

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LEVER: A joint resolution (H. J. Res. 176) directing the Secretary of Agriculture to cause a survey and investigation to be made of the swamp and tidal lands of Virginia, North Carolina, South Carolina, and Georgia, to determine the feasibility and cost of leveeing and draining said lands, and the benefits to agriculture and the public health which would result therefrom—to the Committee on Agriculture.

By Mr. BARTLETT: A resolution (H. Res. 595) to pay Daniel G. Heidt, jr., amount due for clerk hire—to the Committee on Accounts.

By Mr. KAHN: A memorial of the legislature of California, favoring maintenance of appropriation for hydrographic branch of the Geological Survey—to the Committee on Appropriations.

Also, a memorial of the legislature of California favoring the suspension of section 2324 of the Revised Statutes on account of the recent calamity in that State—to the Committee on Mines and Mining.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. SMITH of Arizona: A bill (H. R. 20280) to set aside certain lands to the town of Flagstaff for park purposes—to the Committee on the Public Lands.

By Mr. MOON of Tennessee: A bill (H. R. 20281) for the relief of the widow of the late Capt. Daniel C. Trewitt—to the Committee on War Claims.

By Mr. REEDER: A bill (H. R. 20282) granting an increase of pension to Joseph Morrell—to the Committee on Invalid Pensions.

By Mr. HUFF: A bill (H. R. 20283) granting an increase of pension to Henry D. Bole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20284) granting an increase of pension to Lewis Hazlett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20285) granting an increase of pension to Alexander Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20286) granting an increase of pension to Bartholomew Holmes—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Daughters of the American Revolution for aid for the Jamestown Exposition—to the Committee on Industrial Arts and Expositions.

By Mr. BARCHFELD: Petition of Grange Association of Pennsylvania, for pure-food bill (Hepburn bill)—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of Robert S. Waddell, against the powder monopoly—to the Committee on Military Affairs.

By Mr. FULLER: Petition of Board of Trade of Chicago, for a thorough inspection of packing-house meat products—to the Committee on Agriculture.

Also, petition of D. Hernan, Streator, Ill., for pure-food bill and Federal inspection of meat-packers' products—to the Committee on Interstate and Foreign Commerce.

Also, petition of United Trades and Labor Council, Streator, Ill., for the Gardner eight-hour bill—to the Committee on Rules.

Also, petition of Chicago Commercial Association, for the ship-subsidy bill or bill for upbuilding of American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of United German Societies of New York City, for furtherance of treaties of arbitration—to the Committee on Foreign Affairs.

By Mr. GRAHAM: Petition of M. Saperstein, Tarentum, Pa., against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of Grange Association of Pennsylvania, for pure-food bill (Hepburn bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. Mary S. Ross et al., for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

By Mr. HUFF: Paper to accompany bill for relief of Lewis

Hazlett, Alexander Thompson, Bartholomew Holmes, David W. McClure, and Henry D. Bole—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of Hawarden Commercial Club, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Samuel W. Jones et al., of Iowa, for the pure-food bill and Federal meat inspection—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Thomas R. Elliott—to the Committee on Invalid Pensions.

By Mr. NORRIS: Petition of Nebraska Stock Growers' Association, for Government inspection of packing-house meat products—to the Committee on Interstate and Foreign Commerce.

By Mr. WEISSE: Petition of the Sheboygan Herald, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of National German-American Alliance, for better system of distribution of immigrants in the United States—to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, June 19, 1906.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 34, 35, 38, and 47.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 11, 12, 14, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 52, 53, 54, 57, 58, 59, and 63; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with amendments as follows:

In line 10 of said amendment strike out the colon and insert in lieu thereof a period.

In lines 10, 11, 12, 13, 14, 15, 16, and 17 of said amendment strike out the following: "Provided, That hereafter the pay and allowances of chaplains shall be the same, rank for rank, as is or may be provided by law for officers of the line and of the Medical and Pay Corps, all of whom shall hereafter receive the same pay on shore duty as is now provided for sea duty: And provided further, That the present pay and allowances of any officer now in the Navy shall not be reduced: Provided further," and insert in lieu thereof, as a new paragraph:

"That all chaplains now in the Navy above the grade of lieutenant shall receive the pay and allowances of lieutenant-commander in the Navy according to length of service under the provisions of law for that rank, and all chaplains now in the Navy in the grade of lieutenant shall receive their present sea pay when on shore duty: Provided, That naval chaplains hereafter appointed shall have the rank, pay, and allowances of lieutenant (junior grade) in the Navy until they shall have completed seven years of service, when they shall have the rank, pay, and allowances of lieutenant in the Navy; and lieutenants shall be promoted, whenever vacancies occur, to the grade of lieutenant-commander, which shall consist of five members, and when so promoted shall receive the rank, pay, and allowances of lieutenant-commander in the Navy: Provided further, That nothing herein contained shall be held or construed to increase the number of chaplains as now authorized by law or to reduce the rank or pay of any now serving."

In line 17 of said amendment, commencing with the word "That," have a new paragraph; and in lines 17 and 18 of said amendment strike out the words "pay and;" and in line 21 of said amendment strike out the words "pay and."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the words "rank, highest;" and in lines 4 and 5 of said amendment strike out the comma after the word "commander" and the words "and of no higher rank;" and in lines 6 and 7 strike out the words "be appointed from civil life in the manner and at" and insert in lieu thereof the word "receive;" and at the end of said amendment insert the following: "Provided further, That such officer shall not have the benefit of retirement;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In said amendment, after the word "million," strike out the words "three hundred thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "immediately available and to be;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In the last line of said amendment strike out the comma and the words "to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In line 6 of said amendment, after the word "graduation," insert the following: "or that may occur for other reasons;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In said amendment strike out the words "one million" and insert in lieu thereof the words "five hundred thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: On page 76 of the bill, at the end of line 5, insert the following: "But this provision shall not apply to or interfere with contracts for such armor already entered into, signed, or executed by the Secretary of the Navy;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-three million four hundred and seventy-five thousand eight hundred and twenty-nine dollars;" and the Senate agree to the same.

On amendments numbered 2, 6, 7, 13, 32, 33, 37, 55, and 56 the committee of conference have been unable to agree.

EUGENE HALE,
GEO. C. PERKINS,
B. R. TILLMAN,

Managers on the part of the Senate.

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
ADOLPH MEYER,

Managers on the part of the House.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. HALE. I move that the Senate further insist upon its amendments still in disagreement and request a further conference with the House of Representatives on the disagreeing votes of the two Houses, the Chair to appoint the conferees.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

Mr. WARREN. Before the Senator from Maine leaves the subject I desire to ask a question, or two questions, for that matter. Is the amendment regarding the large battle ship still open?

Mr. HALE. It is still open, and will be in the next conference.

Mr. WARREN. I presume the Senator has the figures in mind, and I should like to know what change the report just adopted makes in the salaries of the chaplains, and what is the maximum of the two different grades—that is, per year or per month—that the chaplains shall receive hereafter?

Mr. HALE. It puts them on the same basis of appointment as chaplains in the Army, and they succeed finally to the rank of lieutenant-commander. The largest pay of the chaplains ultimately is increased from \$2,800 to \$3,500.

Mr. WARREN. Does the Senator mean that it amounts to that with the longevity service additional, or is that the straight salary alone?

Mr. HALE. That is the final salary. They commence the appointment, as they do in the Army, with the salary of a lieutenant of the lower grade. Then they are promoted by longevity, as in the Army, and when they reach the rank of lieutenant-commander they receive the same pay that the present chaplains in the Army receive.

Mr. WARREN. And the same allowances?

Mr. HALE. And the same allowances.

Mr. BAILEY. Mr. President, I dislike to complain against the clergy. I do not intend to complain against them. I simply want to complain against Congress. Ninety per cent of the ministers of the gospel in this country work very much harder than these chaplains and receive very much smaller salary. I suppose, however, that a man who is expected to save the souls of soldiers ought to be pretty well paid for it. I understand that generally they are not very religiously inclined.

The salary is bad enough, and I want to ask the Senator from Maine if, in addition to that, the chaplains are entitled to the provisions for the retirement of officers of the Army and Navy?

Mr. HALE. Undoubtedly.

Mr. BAILEY. Then, Mr. President, that makes two reasons why this provision, for which the Senator from Wyoming is so solicitous, ought not to be incorporated in the bill.

Mr. HALE. The conferees strictly confined themselves to their right in the matter.

Mr. BAILEY. The Senator from Maine will observe that I did not say I wanted to complain against the conference; I said against the Congress.

Mr. HALE. Congress is always very liberal, and is so with chaplains undoubtedly.

Mr. BAILEY. It has been extravagant. It is bad enough to be liberal with other people's money; it is inexcusable to be extravagant with it.

Mr. HALE. The pressure was from the chaplains. They are a very worthy body of men, and are very modest in not asking for any advance in pay for any other corps.

Mr. BAILEY. I, of course, do not contradict the statement that the chaplains have been very modest.

Mr. HALE. In that respect.

Mr. BAILEY. I never did understand why a soldier of the Lord needed a rank in the Army of his country. But I make no complaint about that. I am perfectly willing to give them the rank, and I am perfectly willing to give them the pay that is commensurate with the duties they perform, both considered with reference to their importance and with reference to the work required. But I do declare that these chaplains do less work than 98 per cent of the ministers in actual service through the various States and communities, and they are receiving probably double, and it may be more than double, the average pay of ministers of equal piety, education, and ability.

Mr. HALE. Undoubtedly.

Mr. BAILEY. It seems to me that where a man must work as the average minister of the gospel in this country does work, he ought to be fairly paid. I believe every man in any field of endeavor ought to be properly paid. But it seems to me that the Government, using the funds of the people, ought not to consider itself justified in paying for a given service twice as much as that given service commands in what we call the "open market."

If ministers of the gospel, very learned, very pious, and very industrious, serving congregations in the various communities of this land are well content with a salary that ranges from \$1,200 to \$2,000, without any provision for retirement, such as the Army and Navy law provides, it would seem that the Congress ought to have followed as nearly as it could the example of our constituents at home, and fixed the salary of these ministers according to the difficulty of their employment.

Mr. HALE. I am very glad to hear the remarks of the Senator from Texas, and I commend them to the chaplains as being good, easy reading.

CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the chairman of the Chickamauga and Chattanooga National Park Commission setting forth the necessity for the immediate reconstruction of two bridges, and recommending that an additional appropriation be made for this purpose to be included in the sundry civil appropriation bill; which, with the accompanying

paper, was referred to the Committee on Appropriations, and ordered to be printed.

HYGIENIC LABORATORY, WASHINGTON, D. C.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Surgeon-General, Public Health and Marine-Hospital Service, submitting an estimate of appropriation for improvement to the grounds of the Hygienic Laboratory, Washington, D. C., \$15,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

LEPROSY HOSPITAL, HAWAII.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Surgeon-General, Public Health and Marine-Hospital Service, submitting an amendment to be included in the sundry civil appropriation bill for the maintenance of the leprosy hospital in Hawaii; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 1031. An act granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State; and

S. 1442. An act to increase the efficiency of the militia and promote rifle practice.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

S. 230. An act to provide a life-saving station at or near Greenhill, on the coast of South Kingston, in the State of Rhode Island;

S. 4250. An act to further enlarge the powers and authority of the Public Health and Marine-Hospital Service, and to impose further duties thereon;

S. 4806. An act to regulate the landing, delivery, cure, and sale of sponges;

H. R. 4464. An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes;

H. R. 4468. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895;

H. R. 7771. An act for the relief of Judd O. Hartzell;

H. R. 8428. An act to regulate the construction of dams across navigable waters;

H. R. 8973. An act to amend section 5200, Revised Statutes of the United States, relating to national banks;

H. R. 10715. An act to establish an additional collection district in the State of Texas, and for other purposes;

H. R. 14928. An act for the relief of F. V. Walker;

H. R. 14968. An act to amend the internal-revenue laws so as to provide for furnishing certified copies of certain records;

H. R. 16125. An act authorizing a license and permit to the Corinth and Shiloh Electric Railway Company to construct a track or tracks through the Shiloh National Park and to operate electric cars thereon;

H. R. 18442. An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia;

H. R. 18668. An act ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington;

H. R. 19571. An act to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo.;

H. R. 19681. An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement;

H. R. 20070. An act to authorize the Chattanooga Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn.; and

S. R. 60. Joint resolution providing for the purchase of material and equipment for use in the construction of the Panama Canal.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the North American Gymnastic Union, of Indianapolis, Ind., remonstrat-

ing against the adoption of a certain amendment to the sundry civil appropriation bill excluding alcoholic beverages from Soldiers' Homes; which was referred to the Committee on Military Affairs.

He also presented a petition of the International Missionary Union, of Clifton Springs, N. Y., praying for a moderate enforcement of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of the National German-American Alliance, of Philadelphia, Pa., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. NELSON presented the petitions of M. Condon, of Clara City; Elorum & Davis, of Amidon; the Farmers' Elevator Company, of Springfield; C. W. Chamberlain, of Amboy, and the First National Bank, of Luverne, all in the State of Minnesota, praying for the enactment of legislation providing for rigid Government inspection of packing meat products; which were referred to the Committee on Agriculture and Forestry.

Mr. WARREN. I present a telegram in the form of a petition. It is from one of the prominent and one of the oldest citizens of what is now Wyoming, a man who settled there before there was any Wyoming and before there was any live-stock business. It consists of but three lines. I have had several scores of letters and telegrams bearing upon the same subject. I ask that this telegram may be read.

There being no objection, the telegram was read, and referred to the Committee on Agriculture and Forestry, as follows:

CHEYENNE, WYO., June 18, 1906.

Hon. F. E. WARREN,

United States Senate, Washington, D. C.:

It is of vital importance to stock raisers that we have prompt legislation providing for rigid inspection of packing meat products at Government expense.

R. S. VANASSEL.

Mr. HANSBROUGH. In connection with the telegram just read I desire to state that last night and this morning I received ten or twelve telegrams, very much like the one just read and almost in the same language. I did not think it was necessary to present them to the Senate, but I will simply call attention to the fact that I received such telegrams, so that those who have charge of legislation on the meat question may take notice thereof.

Mr. STONE. I should like to state also that I have received a great number of similar telegrams, which I have not sent to the desk, as I did not consider it necessary; but there is great interest in the matter in my State.

Mr. PENROSE presented a petition of the Civic Club of Philadelphia, Pa., praying for the enactment of legislation to establish national forest reserves in the Southern Appalachian and White Mountains; which was ordered to lie on the table.

He also presented a petition of the Civic Club of Philadelphia, Pa., praying that an appropriation be made for a scientific investigation of the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Oxford, Nine Points, and Quarryville, Pa., remonstrating against the enactment of legislation providing for the transfer of the education and care of the Indians and Eskimos of Alaska from the Bureau of Education to the governor of that Territory; which was referred to the Committee on Territories.

Mr. KEAN presented the memorials of J. H. Shannon, of Blairstown; Rev. Henry Ward, D. D., Edwin Du Rie, David D. Ackerman, Dr. L. B. Parsell, John Z. Demarest, and A. D. Atwood, all of Closter, in the State of New Jersey, remonstrating against Hon. REED SMOOT, a Senator from the State of Utah, retaining his seat in the Senate; which were ordered to lie on the table.

Mr. PLATT presented memorials of the Wellsville Oil Company; of sundry citizens of Wellsville, N. Y., and of J. T. Jones, Gulfport, Miss., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" relative to pipe lines; which were ordered to lie on the table.

He also presented the memorial of Dr. M. T. Greene and E. P. Gordon, of Castile, N. Y., remonstrating against Hon. REED SMOOT, a Senator from the State of Utah, retaining his seat in the Senate; which was ordered to lie on the table.

Mr. KNOX presented the memorial of the Pennsylvania Refining Company, of Oil City, Pa., and the memorial of J. I. Buchanan, of Pittsburg, Pa., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" relative to pipe lines; which were ordered to lie on the table.

He also presented petitions of Rev. W. T. Tapscott, of Easton; Antislavery League, of Pittsburg; Temperance Committee, General Assembly, Presbyterian Church, of Pittsburg; Rev. Charles

E. Dunn, of Philadelphia; D. L. Huffman, of Ashland; G. F. Snyder, of Altoona; Frank Williams, of Ashland; E. B. Killinger, of Ashland; David S. Curry, of York, all in the State of Pennsylvania, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in National Soldiers' Homes; which were referred to the Committee on Military Affairs.

Mr. MILLARD presented petitions of the Nebraska Stock Growers' Association; of J. H. Norsworthy, of Gothensburg; of the United States National Bank, of Omaha; of the First National Bank of Omaha; of E. D. Gould, of Wolbach; of W. H. Butterfield & Son, of Norfolk, and of H. W. Yates, of Omaha, all in the State of Nebraska, praying for the enactment of legislation providing for a rigid meat inspection at Government expense; which were referred to the Senate conference committee on the agricultural appropriation bill.

Mr. BLACKBURN presented sundry papers to accompany the bill (S. 5267) for the relief of the estate of Solomon Jones, deceased; which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. SIMMONS, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 5945) providing for an inspection of certain agricultural products, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 19854) to authorize the board of supervisors of Sunflower County, Miss., to construct a bridge across Sunflower River, reported it without amendment.

Mr. KNOX, from the Committee on the Judiciary, to whom was referred the bill (S. 5136) to amend the act creating the Spanish Treaty Claims Commission, approved March 2, 1901, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 8214) granting an increase of pension to Joseph Slagg, reported it without amendment, and submitted a report thereon.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (H. R. 14211) granting an increase of pension to Deborah J. Pruitt, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 19533) granting an increase of pension to Mary A. Hall, reported it without amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (H. R. 4659) granting an increase of pension to John F. Morris, reported it without amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 12892) granting an honorable discharge to Seth Davis, reported it with an amendment, and submitted a report thereon.

BLANK & PARKS.

Mr. BAILEY. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 4580) for the relief of Blank & Parks, of Waxahachie, Tex., to report it with a favorable recommendation, and I submit a report thereon. I ask unanimous consent for its immediate consideration.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Blank & Parks, of Waxahachie, Tex., the sum of \$400, paid under protest to the collector of internal revenue at Dallas, Tex., said payment having been demanded and payment required under threats of restraint and sale of said Blank & Parks's property in consequence of a technical violation of the internal-revenue laws of the United States.

Mr. SCOTT. I should like the Senator from Texas to explain what the technical violation was. Oftentimes we find the internal-revenue law violated where a still is operated in the mountains, and a man will claim that he did not know but that he had a right to still his own apples and grain, and therefore it was only a technical violation.

Mr. BAILEY. The violation in this case consisted in the firm of Blank & Parks, who were engaged in a marketing business at Waxahachie, Tex., ordering, at the request of a restaurant keeper, 40 pounds of oleomargarine, to be shipped along with an order which they had made from Swift & Co. They turned the oleomargarine over to the restaurant keeper without any profit to themselves or without any thought of profit, he simply paying his portion of the freight and the amount which Blank & Parks had to pay to the packer. Under the law the internal-revenue collector felt called upon to collect from them the tax

as a dealer, whereas, as a matter of fact, they were never dealers.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16472) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 27, 49, 50, 52, 53, 54, 60, 61, 65, 66, 67, 74, 76, 77, 78, 79, 83, 84, 85, 86, 87, 96, 97, 120, 127, 128, 129, 130, 131, 132, 135, 138, 139, 141, 149, 152, 154, 155, 179, 191, 192, 197, 200, 201, 202, 204, 205, 208, 209, 210, 211, 220, 221, 227, 228, 237, 247, and 250.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 28, 29, 30, 31, 32, 33, 34, 36, 38, 39, 40, 41, 42, 43, 45, 47, 48, 51, 56, 57, 58, 59, 63, 64, 69, 73, 75, 81, 82, 88, 90, 92, 93, 94, 95, 98, 99, 100, 101, 102, 103, 104, 105, 106, 111, 112, 113, 114, 115, 116, 117, 118, 119, 125, 133, 134, 136, 137, 144, 145, 146, 147, 151, 153, 157, 158, 159, 161, 162, 163, 164, 165, 166, 167, 169, 175, 176, 177, 178, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 193, 194, 195, 196, 199, 206, 212, 213, 214, 215, 216, 217, 218, 219, 222, 223, 224, 226, 229, 230, 231, 232, 233, 234, 235, 236, 238, 239, 240, 242, 243, 244, 245, and 251; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: On page 5 of the bill, in lines 20 and 21, strike out the words "Relations with Cuba" and insert in lieu thereof "Cuban Relations;" and in lines 22 and 23 strike out the words "improvement of the;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-seven thousand eight hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "sixty-nine privates, at one thousand and fifty dollars each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-seven thousand six hundred and fifty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment and insert, on page 32 of the bill, after line 14, as a separate paragraph, the following:

"For plans and estimates for a newspaper stack, to be procured by the Joint Committee on the Library, if said committee shall decide such stack to be necessary, two thousand five hundred dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "hereafter;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and eight thousand nine hundred and seventy dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ten thousand four hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: On page 44 of the bill, in lines 12, 13, and 14 strike out the words "two superintendents of technical divisions, at two thousand seven hundred and fifty dollars each" and insert in lieu thereof the following: "superintendent of computing division, two thousand seven hundred and fifty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: On page 44 of the bill, in line 16, after the word "dollars," insert the words "chief of inspection division, two thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-three thousand four hundred and sixty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "one stenographer and typewriter, one thousand four hundred dollars; one typewriter copyist, one thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "one hundred and forty-two thousand five hundred and forty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred and thirty-one thousand three hundred and thirty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and sixty-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert "rent of office and quarters in Juneau;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and sixty-four thousand three hundred and eighty-six dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two chiefs of division at \$2,000 each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the words inserted by said amendment insert the words "three clerks;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$69,350;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with

an amendment as follows: After the word "For," in said amendment, insert the word "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and one thousand three hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: On page 99 of the bill, in line 25, strike out the word "four" and insert in lieu thereof the word "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the number proposed insert "sixteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "eighteen" and insert in lieu thereof the word "sixteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred and fifty-three thousand eight hundred and seventy dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lines 8 and 9 of said amendment strike out the words "sixty-one thousand five hundred dollars" and in lieu thereof insert the following: "namely: twelve clerks, qualified as draftsmen, at one thousand two hundred dollars per annum each; fifty copyists at nine hundred dollars per annum each; and one messenger at six hundred dollars per annum; in all, sixty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,769,750;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 171, 172, 173, and 174, and agree to the same with an amendment as follows: Strike out all of the amended paragraph and insert in lieu thereof the following:

"For photolithographing or otherwise producing plates and illustrations for the Official Gazette, for work to be done at the Government Printing Office in producing the Official Gazette, including the letter press, the weekly, monthly, bimonthly, and annual indexes therefor, exclusive of expired patents, in all one hundred and thirty thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For rent for storage for Patent Office model exhibit, ten thousand dollars or so much thereof as may be necessary; and the Secretary of the Interior shall dispose of a part or all of the models of said exhibit, either by sale, gift, or otherwise."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and twenty-six thousand six hundred and ten dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-one thousand nine hundred and ninety dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment as follows: Before the words inserted by said amendment insert the words "not more than;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seven hundred and seventeen thousand and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 241, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "expended," insert the words "during the fiscal year nineteen hundred and seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 246, and agree to the same with an amendment as follows: On page 161 of the bill, after the word "service," at the end of line 16, insert the following: ", and the heads of Departments shall cause this provision to be enforced;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 248, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "preceding," in line 5;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 249, and agree to the same with an amendment as follows: At the end of said amendment, after the word "originate," insert ", in which case such special or additional estimate shall be accompanied by a full statement of its imperative necessity and reasons for its omission in the annual estimates;" and the Senate agree to the same.

S. M. CULLOM,
F. E. WARREN,
H. M. TELLER,

Managers on the part of the Senate.

LUCIUS N. LITTAUER,
L. F. LIVINGSTON,

Managers on the part of the House.

The report was agreed to.

JURIES IN NEW MEXICO.

Mr. KNOX. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 19379) providing for the manner of selecting and impaneling juries in the United States courts in the Territory of New Mexico, to report it favorably with an amendment. I ask for the present consideration of the bill as it involves the procedure of impaneling juries in the Territory of New Mexico.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on the Judiciary was, on page 1, line 10, after the words "United States," to insert:

Provided, That no person shall be eligible for jury service in the Territory of New Mexico who does not understand the English language sufficiently, in the opinion of the court, to qualify him for such service.

Mr. HANSBROUGH. In regard to that amendment, I desire to say that I have information to the effect that the juries in the Territory of New Mexico are composed largely and necessarily of Mexicans, and that a great many of those drawn as jurors can not speak the English language. I think it is a matter of common knowledge that in almost all the courts in the Territory it is necessary to have interpreters. I do not know whether the amendment should be adopted or not, because if it is true that a great many of the jurors can not speak the English language they would be disqualified, if the amendment is agreed to.

Mr. KNOX. I regret that the senior Senator from Wisconsin [Mr. SPOONER] is not present, as the amendment was proposed in the committee by him, and the committee adopted it upon the statement that it was a habit in the trial of criminal cases in New Mexico to send out the interpreter with the jury. We considered that matter and concluded it was substantially a trial by interpreter instead of a trial by jury, and for that reason the committee came to the conclusion to recommend the amendment.

Mr. PATTERSON. Mr. President—

Mr. HANSBROUGH. Unless the Senator from Pennsylvania is anxious to press the bill, in view of the fact that the Senator from Wisconsin is not present, I suggest to the Senator that the bill be allowed to go over.

Mr. KNOX. I have no objection to its going over.

The VICE-PRESIDENT. The bill will go to the Calendar.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 6484) granting an increase of pension to William Cassidy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PROCTOR introduced the following bills; which were

severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6485) granting an increase of pension to Samuel Cook (with accompanying papers);

A bill (S. 6486) granting a pension to John Little; and

A bill (S. 6487) granting an increase of pension to Israel Plain.

Mr. PENROSE introduced a bill (S. 6488) authorizing the striking of 200 additional medals to commemorate the two hundredth anniversary of the birth of Benjamin Franklin; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also introduced a bill (S. 6489) for the relief of Laura A. Wagner; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 6490) for the relief of A. J. Clark; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PLATT submitted an amendment proposing to appropriate \$31,000 to pay the day inspectors of customs of the port of New York the difference between the per diem salary of \$4 paid them during the months of October, November, and December, 1905, and their proper per diem salary (\$5 per diem) for the same period, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. KEAN submitted an amendment providing for analyses, tests, examinations, or investigations by the Geological Survey of structural materials, fuel, and mineral substances, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. MALLORY submitted an amendment relative to the appropriation for vehicles and automobiles for the use of the superintendent of the Government Hospital for the Insane, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment providing that the appropriation made for the Government Hospital for the Insane shall be disbursed under the supervision of the Secretary of the Interior by the disbursing officer of the Department of the Interior, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DANIEL submitted an amendment relative to the Jamestown Tercentennial Exposition to be held in Hampton Roads, Va., in 1907, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment authorizing the Secretary of War to purchase certain lands on the battlefield of Gettysburg, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate \$25,000 for the addition of a new roof and the construction of a new cornice on the public building at Pottsville, Pa., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$11,112.22 to pay the estate of David B. Landis, deceased, of Lancaster, Pa., and also \$34,055 to pay the estate of Jacob F. Sheaffer, deceased, of Lancaster, Pa., being amounts found due by the Court of Claims for taxes and penalty collected on distilled spirits that had been destroyed by fire, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

VOLUNTEER RETIRED LIST.

Mr. PLATT submitted an amendment intended to be proposed by him to the bill (S. 2162) to create in the War Department a special roll, to be known as the "Volunteer retired list," to authorize placing thereon with pay certain surviving officers of the United States Volunteer Army of the civil war, and for other purposes; which was referred to the Committee on Military Affairs, and ordered to be printed.

STATISTICS RELATING TO PASSENGER RATES.

Mr. LODGE. On June 8 I presented to the Senate a letter from Mr. H. T. Newcomb, of Washington, D. C., submitting tables showing comparisons between passenger charges on European railways and those in force for similar distances in the

United States, being Senate Document No. 479. The print is entirely exhausted, and I ask for a reprint of the document.

The VICE-PRESIDENT. Without objection, it is so ordered.

GEOLOGY OF THE OWL CREEK MOUNTAINS.

On motion of Mr. WARREN, it was

Ordered, That there be printed for the use of the Senate 9,000 copies of Senate Document No. 219, Fifty-ninth Congress, first session, with the illustrations.

WITHDRAWAL OF PAPERS—GEN. PHILIP H. SHERIDAN.

On motion of Mr. PENROSE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of "A bill to purchase a bust of Gen. Philip H. Sheridan," accompanying Senate bill 1111, Fifty-fourth Congress, first session, copies of the same to be left in the files as provided by clause 2 of Rule XXX.

APPEALS IN CRIMINAL PROSECUTIONS.

The VICE-PRESIDENT. The morning business is closed.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 15434) to regulate appeals in criminal prosecutions.

Mr. GALLINGER. It will be observed by referring to the Record that unanimous consent was given for the consideration this morning of the bill I reported on yesterday—Senate bill 6147. If that be laid before the Senate, I will be glad to yield to the Senator from Minnesota.

The VICE-PRESIDENT. The Chair lays before the Senate, in accordance with the unanimous-consent agreement of yesterday, Senate bill 6147.

The SECRETARY. A bill (S. 6147) authorizing changes in certain street railway tracks within the District of Columbia, and for other purposes.

Mr. GALLINGER. If there be no objection, I will yield to the Senator from Minnesota [Mr. NELSON], if the bill he wishes to call up does not lead to debate.

The VICE-PRESIDENT. The Senator from Minnesota asks for the present consideration of a bill, which will be read.

Mr. NELSON. The bill was unanimously reported from the Committee on the Judiciary.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15434) to regulate appeals in criminal prosecutions, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That a writ of error may be taken by and on behalf of the United States from the district or circuit courts to the Supreme Court or the circuit courts of appeals, as prescribed in an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, and the acts amendatory thereof, in all criminal cases, in the following instances, to wit:

From the decision or judgment quashing or setting aside an indictment;

From the decision or judgment sustaining a demurrer to an indictment or any count thereof;

From the decision arresting a judgment of conviction for insufficiency of the indictment;

From the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy.

In all these instances the United States shall be entitled to a bill of exceptions as in civil cases.

Mr. NELSON. At the suggestion of the Senator from Colorado [Mr. TELLER], who is not here, I offer an amendment to come in at the end of line 15 of the committee amendment.

The SECRETARY. After the word "jeopardy," line 15, page 2, insert the following proviso:

Provided, That if on such writ of error it shall be found that error in the ruling of the court during the proceeding or trial and the verdict was in favor of the defendant, such verdict shall not be set aside.

Mr. CULBERSON. The Secretary was interrupted in the reading by a message, and I did not get its full force.

The VICE-PRESIDENT. The Secretary will again read the amendment to the amendment.

The SECRETARY. In one of the cases the committee reported is the following:

From the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy.

To this the following is offered as an amendment:

Provided, That if on such writ of error it shall be found that error in the ruling of the court during the proceeding or trial and the verdict was in favor of the defendant, such verdict shall not be set aside.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAY. I would be glad if the Senator in charge of the bill would explain it. As I understand the bill, and I only caught it as it was read, it gives the Government of the United States the right of appeal in criminal cases in certain instances, and it is certainly a new departure. I would be exceedingly glad if the Senator would explain it. I have not had time to read the bill carefully, but when the Government undertakes

an appeal from the decision of a judge in a criminal case, it is certainly a new departure in the history of judicial trials.

Mr. NELSON. I will say to the Senator that in a great many of the States they allow appeals. This only relates to cases where the defendant has not been put in jeopardy and where he has not been acquitted. If the Senator will read the substitute, he will find that the only cases in which a writ of error can be taken is, first, from the decision or judgment quashing or setting aside an indictment; second, from the decision or judgment sustaining a demurrer to an indictment or any count thereof; third, from the decision arresting a judgment of conviction for insufficiency of the indictment, and, fourth, from the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy. Then the amendment which I offered on behalf of the senior Senator from Colorado expressly provides that no matter what errors may be found, if the defendant has been acquitted that is the end of it; he will not be tried again. Under the amendment as proposed the defendant can not be put in jeopardy a second time, and if acquitted he can not be tried a second time.

Mr. CLAY. I see on page 2 the bill provides for a writ of error from the decision or judgment quashing or setting aside an indictment. Now, if the defendant is indicted on the criminal side of the court and there is a defect in the indictment and the judge quashes the indictment, there is nothing to do but send it to the grand jury or get a new indictment. That has been the immemorial practice since our Government was organized.

Mr. NELSON. I will say to the Senator that sometimes an indictment is set aside on the ground that the law under which the indictment was found is held to be unconstitutional. The object is to allow the Government to take the case up and get a ruling of the Supreme Court.

Mr. CLAY. I desire to call the Senator's attention to this fact: If a defendant under this bill is indicted and the indictment is quashed for any irregularity or defect, and the Government of the United States desires to take that case to a higher court, the defendant is compelled to employ counsel and follow his case in the higher court before there has been any trial, when under the present law all that would have to be done would be to indict him again, and then he could stand his trial at home and save the necessary expense.

Mr. NELSON. But it may be that if the case goes up to the appellate court and the decision of the appellate court involves the question of the constitutionality of the law under which the defendant is prosecuted, the decision of the appellate court may end the case and there may be no subsequent indictment. This bill was carefully considered by the Judiciary Committee, and every member of that committee agreed to it.

Mr. GALLINGER. Mr. President, I rose simply to say that I yielded with the understanding that the bill would not be debated, and if it is to be debated I must object to its further consideration.

Mr. CLAY. I would prefer to look into the bill before it passes.

The VICE-PRESIDENT. The bill will lie over, retaining its place on the Calendar.

Mr. GALLINGER. I yield to the Senator from Iowa [Mr. DOLLIVER] if the bill he wishes to call up does not lead to debate.

SAC AND FOX INDIANS.

Mr. DOLLIVER. I ask unanimous consent for the consideration of the bill (H. R. 10133) to provide for the annual pro rata distribution of the annuities of the Sac and Fox Indians of the Mississippi between the two branches of the tribe, and to adjust the existing claims between the two branches as to said annuities.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VINCENNES UNIVERSITY, INDIANA.

Mr. GALLINGER. I yield to the Senator from Indiana [Mr. HEMENWAY] if the measure he desires to call up does not lead to debate.

Mr. HEMENWAY. I ask unanimous consent for the present consideration of the joint resolution (S. R. 52) authorizing the Secretary of War to donate to the board of trustees of Vincennes University, Vincennes, Ind., such obsolete arms and other military equipments now in possession of said university, to be used in military instruction.

The Secretary read the joint resolution, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND GRANTS TO NEW MEXICO.

Mr. HANSBROUGH. Mr. President—

Mr. GALLINGER. If there be no objection I will yield to the Senator from North Dakota if his bill does not lead to debate.

Mr. HANSBROUGH. The bill for which I ask consideration is House bill 18600. It has heretofore been read, and there was objection made to it on that occasion by the Senator from Wisconsin, who has since advised me that he withdraws his objection to it. I think there will be no debate upon the bill.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 18600) to amend section 10 of an act of Congress approved June 21, 1898, to make certain grants of land to the Territory of New Mexico, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 10 of an act of Congress approved June 21, 1898, to make certain grants of land to the Territory of New Mexico, and for other purposes, so as to read as follows:

SEC. 10. That the land reserved for university purposes, including all saline lands, and sections 16 and 36, reserved for public schools, may be leased under such laws and regulations as may be hereafter prescribed by the legislative assembly of said Territory; but until the meeting of the next legislature of said Territory the governor, secretary of the Territory, and the solicitor-general shall constitute a board for the leasing of said lands, and all necessary expenses and costs incurred in the leasing, management, and protection of said lands and leases may be paid out of the proceeds derived from such leases. And it shall be unlawful to cut, remove, or appropriate in any way any timber growing upon the lands leased under the provisions of this act, and not more than one section of land shall be leased to any one person, corporation, or association of persons, except when in the opinion of the Secretary of the Interior the leasing of a larger area is deemed advisable, and no lease shall be made for a longer period than five years, and all leases shall terminate on the admission of said Territory as a State; and all money received on account of such leases in excess of actual expenses necessarily incurred in connection with the execution thereof shall be placed to the credit of separate funds for the use of said institutions, and shall be paid out only as directed by the legislative assembly of said Territory and for the purposes indicated herein. The remainder of the lands granted by this act, except those lands which may be leased only as above provided, may be sold under such laws and regulations as may be hereafter prescribed by the legislative assembly of said Territory; and all such necessary costs and expenses as may be incurred in the management, protection, and sale of said lands may be paid out of the proceeds derived from such sales; and not more than one quarter section of land shall be sold to any one person, corporation, or association of persons, and no sale of said lands or any portion thereof shall be made for less than \$1.25 per acre; and all money received on account of such sales, after deducting the actual expenses necessarily incurred in connection with the execution thereof, shall be placed to the credit of separate funds created for the respective purposes named in this act, and shall be used only as the legislative assembly of said Territory may direct, and only for the use of the institutions or purposes for which the respective grants of lands are made: *Provided*, That such legislative assembly may provide for leasing all or any part of the lands granted in this act on the same terms and under the same limitations prescribed above as to the lands that may be leased only; but all leases made under the provisions of this act shall be subject to the approval of the Secretary of the Interior, and all investments made or securities purchased with the proceeds of sales or leases of lands provided for by this act shall be subject to like approval by the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NORTHWEST NORMAL SCHOOL AT ALVA, OKLA.

Mr. LONG. Mr. President—

Mr. GALLINGER. Mr. President, the Senator from Kansas has said to me that he has a bill which will not lead to debate, and I will yield to him to ask for its consideration.

Mr. LONG. I ask unanimous consent for the present consideration of House bill 11787.

The VICE-PRESIDENT. The Senator from Kansas asks unanimous consent for the present consideration of the bill named by him, the title of which will be stated.

The SECRETARY. A bill (H. R. 11787) ratifying and approving an act to appropriate money for the purpose of building additional buildings for the Northwestern Normal School at Alva, in Oklahoma Territory, passed by the legislative assembly of Oklahoma Territory, and approved the 15th day of March, 1905.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. WILLIAMS.

Mr. BLACKBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Kentucky?

Mr. GALLINGER. I yield to the Senator from Kentucky, who has stated to me that he has a small House bill for which he desires consideration, which will not lead to debate.

Mr. DANIEL. I hope the Senator from New Hampshire will let us introduce a few routine matters.

Mr. BLACKBURN. I ask unanimous consent for the present consideration of the bill (H. R. 3459) for the relief of John W. Williams. I am sure it will lead to no debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to John W. Williams, of Powell County, Ky., \$200 for one horse purchased by him at Government sale June 3, 1865, and recovered by the legal owner by judicial proceedings, which established a lack of title in the Government and made Williams liable for the value of said horse and cost.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SPANISH TREATY CLAIMS COMMISSION.

Mr. GALLINGER. Mr. President, the Senator from Pennsylvania [Mr. Knox] informs me that he has a bill in which the Senator from Alabama [Mr. Pettus] is interested. The Senator from Pennsylvania is about to leave the city, and I will yield to that Senator, if the bill for which he desires consideration does not lead to debate.

Mr. KNOX. I ask unanimous consent for the present consideration of the bill (S. 5136) to amend the act creating the Spanish Treaty Claims Commission, approved March 2, 1901. The bill was reported from the Committee on the Judiciary this morning.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent for the present consideration of the bill named by him.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments; which were, on page 2, line 10, after the word "brought," to insert a comma and the words "or to be hereafter filed;" on page 2, line 12, after the word "cases," to insert a comma and the words "including those heretofore passed on by said Commission;" and in line 21, after the word "Navy," to strike out "not heretofore filed, or which shall not be filed, which are hereby allowed, within six months from the passage of this act shall be forever barred" and to insert "growing out of the destruction of said battle ship, not heretofore filed, may be filed with said Commission within six months from the passage of this act, and if not so filed shall be forever barred."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. CARTER. Mr. President, I ask that the title of the bill be again stated.

The VICE-PRESIDENT. The title of the bill will be read by the Secretary.

The SECRETARY. A bill (S. 5136) to amend the act creating the Spanish Treaty Claims Commission, approved March 2, 1901.

Mr. CARTER. From what committee was the bill reported?

The VICE-PRESIDENT. It was reported this morning from the Committee on the Judiciary by the junior Senator from Pennsylvania [Mr. Knox].

Mr. CARTER. That, I understand, is the bill which provides for appeals to the Supreme Court of the United States?

Mr. BLACKBURN. No.

Mr. KNOX. This bill does not provide for such an appeal; but provides for a certiorari. It provides practically the same right which exists under the present court of appeals act—that is, the Commission itself, when a question of law arises and it desires the opinion of the Supreme Court on it, can request that opinion; and the Supreme Court, upon such application, if it thinks the question of sufficient importance to challenge its attention, may send for it by writ of certiorari; but there is no appeal granted.

Mr. CARTER. It does not in any respect limit the power of the Commission or provide that it shall have any greater power?

Mr. KNOX. No, sir.

Mr. BURROWS. Has the bill been read, Mr. President?

The VICE-PRESIDENT. The bill has been read, and is now in the Senate.

Mr. BURROWS. I should like to hear it again read.

The VICE-PRESIDENT. The bill will be read as it has been amended.

The Secretary read the bill as amended, as follows:

Be it enacted, etc., That section 13 of an act entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain concluded on the 10th day of December, 1898," approved March 2, 1901, be amended so that the same will read as follows:

"Sec. 13. That the Commission may, as to any question of law arising upon the facts in any case before them, state the facts and the question of law so arising and certify the same to the Supreme Court of the United States for its decision, and said court shall have jurisdiction to consider and decide the same. In any case heretofore finally determined and decided, or that may hereafter be finally determined and decided, by the Commission created by this act, it shall be competent for the Supreme Court to require, by certiorari, any such case to be certified to the Supreme Court for its review and determination. But such application to the Supreme Court for the writ of certiorari in any such case heretofore decided shall be made within one year from the passage of this act, and in any such case hereafter decided within one year after the final decision of the aforesaid Commission therein: *Provided*, That the foregoing provisions shall not apply to any case brought, or to be hereafter filed, on account of personal injury or death sustained by reason of the destruction of the battle ship *Maine*, but that in all such cases, including those heretofore passed on by said Commission, the Commission, except to show the extent of the injuries received, shall not allow or require any testimony other than such as may be deemed necessary to show that the plaintiffs are the parties injured, or their next of kin or legal representatives, and shall make awards as in other cases of such amounts as will in equity and justice compensate the petitioners, such awards to exceed in no case the sum of \$4,000; and all claims in favor of officers, sailors, or marines of the United States Navy, growing out of the destruction of said battle ship, not heretofore filed, may be filed with said Commission within six months from the passage of this act, and if not so filed shall be forever barred."

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT GREAT FALLS, MONT.

The VICE-PRESIDENT laid before the Senate a message from the House of Representatives, returning to the Senate, in compliance with its request, the bill (S. 544) to provide for the purchase of a site for a public building in the city of Great Falls, Mont.

Mr. CARTER. I ask that the motion heretofore entered by my colleague [Mr. CLARK of Montana] to reconsider the vote by which the bill was passed be submitted to the Senate.

The VICE-PRESIDENT. The question is on the motion heretofore submitted by the Senator from Montana [Mr. CLARK] to reconsider the vote by which the bill was passed.

The motion was agreed to.

Mr. CARTER. I move that the bill be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

DISTRICT STREET RAILWAYS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6147) authorizing changes in certain street railway tracks within the District of Columbia, and for other purposes.

Mr. GALLINGER. I ask, Mr. President, that the amendments reported by the Committee on the District of Columbia may now be stated.

The VICE-PRESIDENT. The amendments reported by the Committee on the District of Columbia will be stated.

The first amendment was, in section 1, on page 1, after the word "avenue," at the end of line 6, to insert "with such northerly deviation as may be necessary to bring the tracks immediately in front of and adjacent to the main entrance to the Union Station;" so as to make the section read:

That the City and Suburban Railway, of Washington, be, and it hereby is, authorized and required to construct a double-track extension of its lines from New Jersey avenue and G street NW. eastwardly to and along Massachusetts avenue with such northerly deviation as may be necessary to bring the tracks immediately in front of and adjacent to the main entrance to the Union Station to junctions with the existing tracks at Third and D streets NE. and at the northwest corner Stanton square; also to extend its double tracks on North Capitol street southwardly from the intersection of G street to Massachusetts avenue to connect with the tracks of the City and Suburban Railway hereinbefore authorized; also to construct a double-track extension, beginning at the intersection of East Capitol street and First street east, south on First street east to E street south, to the now existing tracks of the Anacostia and Potomac River Railroad Company at E street.

The amendment was agreed to.

The next amendment was, in section 2, on page 2, line 14, after the word "authorized," to insert "also a double-track loop on the Union Station plaza connecting with the four tracks provided for in section 6;" so as to make the section read:

Sec. 2. That the Washington Railway and Electric Company be, and it hereby is, authorized and required to construct a double-track extension of its line from Delaware avenue and C street northeastwardly along Delaware avenue to Massachusetts avenue, there to connect with the tracks of the City and Suburban Railway, of Washington, hereinbefore authorized; also a double-track loop on the Union Station plaza connecting with the four tracks provided for in section 6.

The amendment was agreed to.

The next amendment was, in section 3, on page 2, line 22, after the words "Union Station," to strike out "thence across

said plaza to Massachusetts avenue" and insert "together with a double-track loop passing in front of the station on said plaza;" and on page 3, line 5, after the words "Florida avenue," to insert "also a double-track extension for connecting its lines from First and B streets northeast southerly along First street to B street southeast;" so as to make the section read:

Sec. 3. That the Capital Traction Company of the District of Columbia be, and it hereby is, authorized and required to construct a double-track extension of its lines from C street and Delaware avenue northeastwardly along Delaware avenue to the plaza in front of the proposed Union Station, together with a double-track loop passing in front of the station on said plaza, and northwestwardly along Massachusetts avenue to New Jersey avenue, and thence along New Jersey avenue to Florida avenue; thence along Florida avenue to a junction with its present tracks at Seventh street and Florida avenue northwest; also a double-track extension of its line beginning at Seventh and T streets northwest; thence eastwardly along T street to its intersection with Florida avenue; also a double-track extension for connecting its lines from First and B streets northeast southerly along First street to B street southeast.

The amendment was agreed to.

The next amendment was, in section 5, on page 3, line 16, before the word "years," to strike out "three" and insert "two;" and in line 20, after the word "determine," to strike out "All work to be done in accordance with plans acceptable to and approved by the Commissioners of the District of Columbia;" so as to make the section read:

Sec. 5. That the construction of the aforesaid street-railway lines shall be commenced within one year and completed within two years from the date of the passage of this act; and in default of such commencement or completion within the time in this section specified, all rights, franchises, and privileges granted by this act shall immediately cease and determine.

The amendment was agreed to.

The next amendment was, in section 6, on page 4, line 6, before the word "tracks," to insert the word "double;" so as to read:

Provided, That there shall be at least two sets of double tracks immediately in front of the main entrance to the Union Station facing Massachusetts avenue, the most northerly rail being not more than 50 feet south of the said main entrance.

The amendment was agreed to.

The next amendment was, to strike out section 8, as follows:

Sec. 8. That all acts or parts of acts inconsistent herewith are hereby repealed.

The amendment was agreed to.

The next amendment was, on page 4, line 17, to insert as a new section the following:

Sec. 8. That authority is hereby given the Commissioners of the District of Columbia to use such portions of reservation 77 as may in their judgment be necessary for sidewalks and roadways and for street railway use. And authority is hereby given the Commissioners to acquire by purchase or to condemn in accordance with existing law for street purposes so much of square 626 lying north of the north building line of square 567 extended as they may deem necessary, and the cost of acquiring said property as above shall be paid equally by the Capital Traction Company and the City and Suburban Railway Company: *Provided*, That where a portion of any lot is authorized to be acquired as above the said Commissioners may, in their discretion, acquire the entire lot; the portion thereof, when so acquired, lying south of the north building line of square 567 extended to become the joint property of the said City and Suburban Railway Company and the said Capital Traction Company so soon as the entire cost of acquisition as above specified shall be paid by them.

Mr. HANSBROUGH. I wish to say, Mr. President, that that is rather a remarkable amendment. It authorizes the Commissioners of the District of Columbia to acquire property by condemnation, and then turns it over to the corporations. My attention had not been called to the amendment until I heard it read. It seems to me to be rather a strange procedure. I may be wrong about it, but I call the attention of the lawyers of the Senate to the provision.

Mr. GALLINGER. Let the question be taken, Mr. President.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee, which has been stated.

Mr. SCOTT. Has the amendment been printed?

Mr. GALLINGER. It is in the bill, I will say to the Senator from West Virginia, and if he will examine the bill he will find it there.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HANSBROUGH. I reserve the right to call attention to this amendment later, after the bill shall have been reported to the Senate.

The next amendment reported by the Committee on the District of Columbia was, on page 5, after line 12, to insert as a new section the following:

Sec. 9. That any and all of the said companies are hereby authorized to construct temporary tracks on plans and along such streets as may be approved by the Commissioners of the District of Columbia from the new Union Station to the intersection of C street with Dela-

ware avenue or North Capitol street, and to operate cars thereon by overhead trolley pending the construction of the permanent tracks herein authorized, said temporary tracks to be removed on the completion of said permanent tracks.

Mr. SCOTT. I ask the Senator from New Hampshire if there ought not to be a time limit on the use of overhead trolleys? It might so happen that the street railways would use that system for years.

Mr. GALLINGER. The time limit for completing these extensions is two years, and the presumption is that they will be completed in a fraction of that time; but, in the event of the permanent improvements not being made, it is manifest that there ought to be an allowance for this little spur to accommodate the traveling public. It will not be kept there any longer than it is absolutely necessary, I assure the Senator.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on the District of Columbia was, on page 5, after line 21, to insert as a new section the following:

SEC. 10. That whenever, in the construction of the new tracks herein authorized, the Commissioners of the District of Columbia deem it necessary, in order to reasonably accommodate vehicular traffic, to widen the roadway of any street or streets in which such track or tracks are to be laid the cost and expense of such widening, including the laying of the new sidewalks, the adjustment of all underground construction, and of every public appurtenance, shall be borne by the said railway company, and the said railway company shall deposit with the collector of taxes of the District of Columbia the estimated cost of changing and widening the said street or streets, the work to be done by said Commissioners; and whenever, at any future time, the said Commissioners deem it necessary to widen the roadway of any street or streets occupied by the extensions herein authorized said railway company shall bear one-half the cost of widening and improving such street or streets, to be collected in the same manner as the cost of laying or repairing pavement lying between the exterior rails of the tracks of said street railroad and for a distance of 2 feet exterior to such track or tracks is collectible under the provisions of section 5 of an act entitled "An act to provide a permanent form of government for the District of Columbia," approved June 11, 1873.

The amendment was agreed to.

The next amendment was, on page 6, after line 20, to insert as a new section the following:

SEC. 11. That whenever in the construction of any of the tracks herein authorized it is necessary, in the opinion of the Commissioners, to improve, by paving or otherwise, the roadway of any street occupied by such track or tracks, said company shall adjust the grade of its tracks to the new grade of the street or streets, the cost thereof to be borne by said company in the same manner as the cost of paving between the exterior of the tracks of the street railroad companies, as referred to in the preceding section.

The amendment was agreed to.

The next amendment was, on page 7, after line 4, to insert as a new section the following:

SEC. 12. That the arrangement of all tracks herein authorized within the lines of the plaza in front of the Union Railroad Station shall be in accordance with the plans approved by the Commissioners of the District of Columbia, and all work of constructing the extensions herein authorized shall be executed in accordance with plans to be approved by the Commissioners of the District of Columbia, and under a permit or permits by the said Commissioners.

The amendment was agreed to.

The next amendment was, on page 7, after line 12, to insert as a new section the following:

SEC. 13. That all acts and parts of acts inconsistent herewith are hereby repealed.

The amendment was agreed to.

Mr. HANSBROUGH. I ask the Senator from New Hampshire whether that completes the committee amendments?

Mr. GALLINGER. It does, I will say to the Senator.

Mr. HANSBROUGH. I offer the amendment which I send to the desk, to be added as a new section.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, after line 12, it is proposed to insert as a new section the following:

SEC. 13. That every railway company now authorized by law, or which may hereafter be authorized by law, to operate cars on any of the streets, avenues, or highways of the District of Columbia, and all other public-service corporations of said District, including the Chesapeake and Potomac Telephone Company, Potomac Electric Lighting and Power Company, the Washington Gaslight Company, and the Georgetown Gaslight Company, shall annually pay to the collector of taxes of the District of Columbia, as a franchise tax, in addition to the taxes now imposed upon them by law, an amount equal to 12 per cent of their respective net earnings, which said net earnings shall be ascertained by deducting from their respective gross receipts from all sources only the current repairs and expenses for the same year, excluding interest, dividends, sinking fund, cost of betterments, extensions, and enlargement of plant: *Provided*, That on or before the 1st day of August, 1906, the board of assessors of the District of Columbia are hereby authorized and directed to appraise and assess the personal property of all such public-service corporations, and in making such appraisal the said board shall appraise the value of the franchises of each of said companies and include the same in the said personal property appraisal: *Provided further*, That any of such corporations as may elect so to do may pay to the collector of taxes of the District of Columbia

an amount equal to 1½ per cent of said appraised value, as now provided for by law for general taxation of personal property in said District, which shall be in lieu of the 12 per cent per annum tax on net incomes, as above provided, and of the gross earnings tax now provided by law: *And provided further*, That the real estate of all said street railway companies in the District of Columbia shall be taxed as other real estate.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from North Dakota. [Putting the question.] By the sound the "ayes" have it.

Mr. GALLINGER. I ask that the question be again put, Mr. President.

The VICE-PRESIDENT. The Chair will again put the question. [Putting the question.] By the sound the "noes" have it.

Mr. HANSBROUGH. I ask for a division.

Mr. GALLINGER. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. WARREN. Am I too late to ask that the amendment be again read?

Mr. GALLINGER. I will let the Senator read it, if he wishes.

Mr. TILLMAN. Other Senators would like to hear it, if the Senator please.

Mr. GALLINGER. Very well; let it be read.

The VICE-PRESIDENT. The amendment will be again read.

The SECRETARY. On page 7, after line 12, it is proposed to add as a new section the following—

Mr. SCOTT. I suggest the absence of a quorum. If the amendment is to be again read, I think it would be well for the Senate to hear it.

The VICE-PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names.

Allee	Culberson	Hopkins	Perkins
Ankeny	Cullom	Kean	Piles
Benson	Daniel	Kittredge	Rayner
Berry	Dick	La Follette	Scott
Beveridge	Dolliver	Lodge	Smoot
Blackburn	Flint	Long	Stone
Brandeggee	Foraker	McCumber	Sutherland
Bulkeley	Frazier	McLaurin	Tallaferro
Burkett	Fulton	Mallory	Tillman
Burnham	Gallinger	Martin	Warren
Burrows	Gamble	Morgan	Whyte
Carter	Hansbrough	Patterson	

The VICE-PRESIDENT. Forty-seven Senators have answered to their names. A quorum is present. The Secretary will again read the amendment proposed by the Senator from North Dakota.

The Secretary again read Mr. HANSBROUGH's amendment.

Mr. HANSBROUGH. Mr. President, I had supposed that most of the members of the Senate understood the purport of this amendment, because the matter was up in the Senate some three or four weeks ago and was debated at some length. The bill was subsequently recommitted to the Committee on the District of Columbia on the request of the chairman, for the reason that it appeared that the managers of the public-service corporations of the District desired to be heard on the question of taxation. The bill remained in the committee for some weeks, but was finally reported out, or at least that portion which has been read this morning was reported out.

The amendment which I have proposed, Mr. President, provides for a tax of 12 per cent on the net earnings of the public-service corporations in the District of Columbia. Twelve per cent upon the net earnings of these corporations it is believed will amount on an average to less than the percentage which is now paid by the private citizens of the District. With respect to those corporations that have net earnings, of course the tax will amount to more than they now pay; with respect to those that have no net earnings, they will pay no additional taxes. It is a sort of automatic system, and, in my judgment, the only equitable system of taxation.

Mr. President, it is not proposed to visit any hardship upon these corporations. I think that I am justified in saying that they pay less taxes in the District of Columbia than in any other place in the United States. In my own State of North Dakota I think the taxes are from 4 to 5 per cent. Here in the District of Columbia the rate is 1½ per cent, and the public-service corporations here pay less than 1 per cent.

There is a proviso in this amendment under which, if the public-service corporations should be obliged to pay more than the rate paid by the private citizens, to wit, 1½ per cent, then these corporations may take advantage of the private citizen's rate and pay that rate, instead of 12 per cent on their net earnings; so that there can be no hardship whatever inflicted upon

any of these corporations. It can not be said, because it can not be maintained, that they will be required to pay more than the private citizen. If any one can convince me, or convince the Senate, that these corporations should not pay as great a tax as the private citizen, then I have no more to say, but I have never yet heard any satisfactory reason why they should not pay the rate paid by the private citizen.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. GALLINGER. I thought the Senator was through.

Mr. HANSBROUGH. I yield to the Senator.

Mr. GALLINGER. I will wait until the Senator gets through.

Mr. HANSBROUGH. There is another proviso, Mr. President, to which I desire to call attention, and that is—

Provided, That on or before the 1st day of August, 1906, the board of assessors of the District of Columbia are hereby authorized and directed to appraise and assess the personal property of all such public service corporations, and in making such appraisal the said board shall appraise the value of the franchises of each of said companies and include the same in the said personal property appraisal.

That provision is for the purpose of enabling the proper District officials to arrive at an equitable basis upon which these corporations may be taxed. I have figured out—and I call the attention of the Senate to the figures—as to what would happen under such an adjustment. We find from the returns made by the street-railway corporations that their total funded debt and capitalization amount to \$49,489,000. We will suppose that the board of assessors should conclude to assess their property at two-thirds of the funded debt and capitalization, then, in such case, they would pay 1.1 per cent. In other words, if the street-railway corporations should pay on two-thirds of their funded debt and capitalization, they would pay 11 mills, against 15 mills which the private citizen is now paying. So that, Mr. President, under no condition that I can conceive of can it be said that the corporations would be required to pay more than the private citizen, and in order that they may not be required to pay more I have put in the proviso to which I called attention a while ago, to the effect that if they preferred to pay the private-citizen rate rather than the special rate under the gross receipts and net earnings system, then they may elect to pay 1½ per cent, the same as the private citizen pays.

Mr. GALLINGER. Mr. President, this matter was discussed at considerable length some time ago, and I do not think we need to occupy much time in discussing it to-day.

The bill that is under consideration is a bill providing for the extension of the existing railway lines to the Union Station, which station will, under the law, be open to the public in a little over a year, and it is the intention to have it open, partially at least, at a considerably earlier period. It is very necessary that when it is opened the traveling public coming to Washington should have an opportunity to get to the various parts of the city on the rapid-transit cars, and the only purpose of this bill is to give the traveling public that opportunity.

The Senator from North Dakota [Mr. HANSBROUGH] proposes to complicate this matter by adding to it a scheme of taxation, revolutionizing the existing scheme of taxation, which was worked out a few years ago with great care and particularity. I do not know whether—

Mr. HANSBROUGH. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from North Dakota?

Mr. GALLINGER. Oh, yes.

Mr. HANSBROUGH. Mr. President, the Senator will not undertake to leave the impression upon the Senate that a scheme of taxation was worked out two years ago?

Mr. GALLINGER. I did not say two years ago.

Mr. HANSBROUGH. Or within recent years, which affects these corporations.

Mr. GALLINGER. Mr. President, it is not necessary for the Senator to correct me. I know what I am talking about.

Mr. HANSBROUGH. Will the Senator allow me?

Mr. GALLINGER. I was one of those who worked it out.

Mr. HANSBROUGH. The Senator does not care to have me make a statement. I will make it in my own time.

Mr. GALLINGER. That is the Senator's privilege.

Now, Mr. President, I do not know whether or not it is desirable to go into this matter of taxation in the District of Columbia. The Senator from North Dakota not only proposes on a bill which is intended to provide means to get the street railroads to the new station to adopt a different system of taxing the railroads of the District, but of the electric light company, the telephone company, and the gas company of the District as well.

I remember that a few weeks ago, when the shipping bill

was before the Senate, we proposed to increase the tonnage taxes so as to make foreign vessels pay a larger revenue than they are paying now, and this Chamber thundered with denunciations of that method of providing taxation, saying it was a function which belonged to the House of Representatives primarily, and I withdrew that section of the bill because of the opposition that developed. I will suggest to the Senator from North Dakota that possibly it would be well for him to inquire whether or not we can constitutionally proceed to increase this taxation primarily in this body.

Mr. HANSBROUGH. I have not any doubt about it.

Mr. GALLINGER. Well, very distinguished lawyers had doubt about it when it related to the shipping bill, and it is equally applicable to this bill.

Now, Mr. President, as to the question of the taxation of the street railroad companies of Washington, the fact is that they pay 5.54 per cent on their gross receipts in taxes. Now, let us look at the other States. The Senator's State does not appear in the list, because I believe there are only three and a half miles of street railway in North Dakota. Of course, it is a new State. I find that Maryland, Louisiana, Massachusetts, Pennsylvania, Tennessee, Kentucky, Missouri, Connecticut, Illinois, and New York pay a little higher tax than is paid in the District of Columbia, while the Territories and all the remaining States pay a much less tax. While the District of Columbia pays a tax of 5.54, Alabama pays 2.47; Arkansas, 1.94; California, 4.97; Colorado, 2.42; New Hampshire, 1.29, and so on, the average of all the States being less than that paid by the District of Columbia. I will put the entire list in the Record.

So while it may be wise to increase the taxes upon these corporations and other corporations of the District, it is a matter that ought to be examined into with great care, and it ought not to be done in the haphazard way which the Senator from North Dakota proposes in his amendment.

Above all, Mr. President, it does seem to me bordering on the ridiculous to attempt to regulate taxation on electric-light companies and gas-light companies and telephone companies in a bill which proposes to extend the lines of existing street railway companies to the new Union Station.

Of course, if the Senator desires to defeat the bill which is under consideration, no one can find fault with the method he is adopting, because it would, in the nature of things, defeat the purpose that I have in view.

I feel, Mr. President, as chairman of the Committee on the District of Columbia, that I have a responsibility resting upon me in regard to this matter. I should be glad to be relieved of that responsibility; but I apprehend that I would be very severely criticised if I did not make every exertion in my power to secure these extensions before the great Union Station is opened to the general public.

It will be remembered that these street railway corporations will not get a single passenger more because they go to the Union Station than they get now in going to the two stations. This bill requires those companies to expend about \$900,000 to make those extensions. Now, is it a reasonable thing, is it a just thing, is it a proper thing for us under those circumstances to undertake to load down this legislation with propositions such as the Senator from North Dakota has injected into the discussion?

Mr. President, I think I have said all I care to say, and I move to lay the amendment on the table.

Mr. HANSBROUGH. Mr. President, I hope the Senator will not take that method of procedure until—

Mr. GALLINGER. The matter has been discussed heretofore, Mr. President, and I move to lay the amendment on the table.

Mr. PATTERSON. Mr. President, I will say—

Mr. HANSBROUGH. I do not think the Senator will shut off discussion by this means.

Mr. PATTERSON. I think that is rather snap judgment. I hope the Senator from New Hampshire will not make the motion; at least not at this time.

Mr. GALLINGER. The Senator from Colorado discussed this very question for more than an hour the other day.

Mr. PATTERSON. Not on this bill.

The VICE-PRESIDENT. The motion to lay on the table is not debatable.

Mr. SCOTT. Mr. President, I rise to ask a question. When I suggested the absence of a quorum, was not the Secretary in the act of calling the roll on this amendment?

The VICE-PRESIDENT. The roll call had not been begun.

Mr. PATTERSON. I hope the Senator from New Hampshire will withhold his motion.

Mr. GALLINGER. I withhold it for a little time, but I shall renew it in the near future.

Mr. HANSBROUGH. I ask the Senator from Colorado to yield to me just a moment.

Mr. PATTERSON. Certainly.

Mr. HANSBROUGH. I simply desire to make a brief statement in regard to the taxes paid by street railway companies elsewhere. I wish to call the attention of the Senate briefly to a pamphlet published by the New England Society of Orange, N. J., entitled "Street Railway and Municipal Franchises." It is a most interesting document. I find in that document, under the heading of "Toronto," a statement to the effect that the street railway companies of Toronto, Canada, upon \$1,000,000 gross receipts per year pay 8 per cent. Here in the District of Columbia they pay 4 per cent on \$3,300,000.

Mr. GALLINGER. What road was that?

Mr. HANSBROUGH. In Toronto, Canada. On gross receipts amounting to \$1,000,000 per year they pay 8 per cent, on gross receipts amounting to \$1,500,000 they pay 10 per cent, on gross receipts amounting to \$2,000,000 per year they pay 12 per cent, amounting to \$3,000,000 per year they pay 15 per cent, and amounting to upward of \$3,000,000 per year they pay 20 per cent. In the District of Columbia the gross receipts of the street railways last year were about \$3,300,000, and they paid 4 per cent as against 20 per cent in Toronto, Canada.

Now, Mr. President, if the Senator from Colorado will indulge me a moment, the Senator from New Hampshire thought that this amendment would result in the defeat of this measure, or in preventing the measure from becoming a law. I think it will facilitate the passage of the bill, because I have no earthly objection to the street railways going into the Union Station. Indeed, they ought to be allowed to go in there. But I think that this taxation amendment and one other amendment which I intend to propose would greatly facilitate the passage of the bill. I do not know who would help to defeat the bill if these amendments were put on unless it is the public service corporations themselves. I do not think that any Senator or any Member of the House can be so deeply interested in preventing these corporations from paying their just share of taxes as to defeat the bill because we have put the tax amendment upon it.

Mr. PATTERSON addressed the Senate. After having spoken for fifteen minutes.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KNOX rose.

Mr. GALLINGER. Will the Senator from Pennsylvania kindly yield to me for a moment?

Mr. KNOX. Certainly.

Mr. GALLINGER. I will ask unanimous consent that when the debate upon the unfinished business closes to-day the District street railway bill may be further considered.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that when the debate upon the unfinished business closes on to-day the consideration of the bill which has been before the Senate in the morning hour shall be resumed. Is there objection? The Chair hears none.

Mr. GALLINGER. Now, will the Senator from Pennsylvania yield to me for just one moment further?

Mr. KNOX. Certainly.

Mr. GALLINGER. I desire to state in a very few words that while the taxes on the railway corporations of the District of Columbia are larger than the average tax in the several States and three times as much as in some States, it should be taken into consideration that we have an underground system here, which costs more than twice the cost of the overhead trolley; that we reserve ducts for the District of Columbia and the Government, which is a reservation of great value to the District and to the Government, and that we compel the railways to sell six tickets for 25 cents, instead of getting a straight 5-cent fare, as is given in almost every city of the country. I will add that if these street railways were permitted to collect a 5-cent fare there would be no controversy over the question of taxation, even though it might be very inequitable and unjust.

Mr. President, in addition I desire to put in the Record and to have printed as a document some statistics that I have here relating to the taxation of public-utility corporations in the District of Columbia and the several States.

There being no objection, the paper was ordered to be printed as a document and to be printed in the Record, as follows:

Statement showing percentage of taxes to gross receipts paid by street-railway companies in the District of Columbia for the year 1905, compiled from Report No. 3792, to accompany Senate bill No. 43.

	Gross receipts, 1905.	Taxes for year 1905.	Per cent.
Washington Rwy. and Electrical Co. and subsidiary railway companies.....	\$1,810,744.33	\$104,795.99	5.79
Capital Traction Co.....	1,500,956.59	79,001.06	5.26
Washington, Alexandria and Mount Vernon Rwy.....	28,297.59	1,131.90	4.00
Total.....	3,339,998.51	184,928.95	5.54

JUNE 6, 1906.

Statement showing percentage of taxes to gross receipts payable by street-railway companies in the District of Columbia for the year 1905 under proposed law imposing additional tax of 12 per cent on net earnings, compiled from Report No. 3792, to accompany Senate bill No. 43.

	Gross receipts, 1905.	Taxes for year 1905.	Per cent.
Washington Rwy. and Electric Co. and subsidiary railway companies.....	\$1,810,744.33	\$222,019.61	12.26
Capital Traction Co.....	1,500,956.59	196,630.37	13.10
Washington, Alexandria and Mount Vernon Rwy.....	28,297.59	1,131.90	4.00
Total.....	3,339,998.51	419,781.88	12.57

* Does not include 12 per cent tax on net earnings.

JUNE 7, 1906.

List of States in which the percentage of taxes to gross receipts is higher than in the District of Columbia.

	Per cent.
Maryland.....	8.21
Louisiana.....	6.88
Massachusetts.....	6.81
Pennsylvania.....	6.08
Tennessee.....	6.08
Kentucky.....	6.06
Missouri.....	6.06
Connecticut.....	6.00
Illinois.....	5.94
New York.....	5.63

List of States in which the percentage of taxes to gross income is lower than in the District of Columbia.

	Per cent.
Arizona, District of Columbia, Idaho, and New Mexico combined.....	5.34
New Jersey.....	5.28
California.....	4.97
Indiana.....	4.86
Rhode Island.....	4.75
Georgia.....	4.67
Wisconsin.....	3.82
Ohio.....	3.62
Minnesota.....	3.52
Michigan.....	3.50
South Carolina.....	3.23
Washington.....	3.08
Utah.....	2.85
Montana.....	2.84
Virginia.....	2.81
Delaware.....	2.79
West Virginia.....	2.54
Alabama.....	2.47
Nebraska.....	2.46
North Carolina.....	2.44
Colorado.....	2.42
Texas.....	2.37
Florida.....	2.35
Kansas.....	2.27
Iowa.....	2.25
Arkansas.....	1.94
Maine.....	1.89
Vermont.....	1.78
Mississippi.....	1.74
Oregon.....	1.69
New Hampshire.....	1.29

JUNE 6, 1906.

Statement showing percentage of taxes to gross receipts for street and interurban railways in the United States, compiled from Special Report of the Census Office on Street and Electric Railways, 1902.

State.	Gross income.	Total taxes.	Percentage of taxes to gross income.
Alabama.....	\$1,497,351	\$37,047	2.47
Arkansas.....	371,560	7,213	1.94
California.....	9,967,838	495,179	4.97
Colorado.....	2,227,760	78,264	3.42
Connecticut.....	4,353,775	261,445	6.00
Delaware.....	500,550	13,973	2.79
Florida.....	529,743	12,439	2.35
Georgia.....	2,375,224	110,846	4.67
Illinois.....	25,029,257	1,488,359	5.94
Indiana.....	3,813,076	185,014	4.86
Iowa.....	2,403,834	54,115	2.25
Kansas.....	370,481	8,401	2.27
Kentucky.....	2,933,800	177,775	6.06

Statement showing percentage of taxes to gross receipts for street and interurban railways in the United States, etc.—Continued.

State.	Gross income.	Total taxes.	Percentage of taxes to gross income.
Louisiana.....	\$2,910,244	\$200,156	6.88
Maine.....	1,571,562	29,704	1.89
Maryland.....	4,888,627	402,223	8.21
Massachusetts.....	23,653,410	1,610,341	6.81
Michigan.....	6,521,173	228,538	3.50
Minnesota.....	3,727,648	181,128	3.52
Mississippi.....	258,654	4,501	1.74
Missouri.....	10,734,682	646,682	6.06
Montana.....	492,023	13,975	2.84
Nebraska.....	1,148,994	28,252	2.46
New Hampshire.....	604,131	7,822	1.29
New Jersey.....	8,176,923	431,912	5.28
New York.....	60,881,780	3,428,461	5.63
North Carolina.....	442,467	10,791	2.44
Ohio.....	16,390,851	601,142	3.62
Oregon.....	1,042,895	17,622	1.69
Pennsylvania.....	30,357,727	1,844,880	6.08
Rhode Island.....	2,964,260	140,814	4.75
South Carolina.....	653,736	21,100	3.23
Tennessee.....	1,866,835	113,573	6.08
Texas.....	1,547,846	36,919	2.37
Utah.....	586,611	16,702	2.85
Vermont.....	249,228	4,427	1.78
Virginia.....	1,097,022	46,845	2.81
Washington.....	2,542,906	78,239	3.08
West Virginia.....	1,102,171	28,060	2.54
Wisconsin.....	3,923,884	150,059	3.82
All other States and Territories.....	3,021,063	161,418	5.34
All States.....	250,504,627	13,366,335	5.34

NOTE.—Gross income is the sum of gross earnings from operation (Table No. 37) and income from other sources (Table No. 37). Total taxes is the sum of taxes, operating companies (Table No. 38) and taxes, nonoperating companies (Table No. 39).

JUNE 5, 1906.

Statement showing percentage of taxes to gross receipts for electric-lighting companies in the United States, compiled from Special Report of the Census Office on Central Electric Light and Power Stations, 1902.

State.	Gross income.	Total taxes.	Percentage of taxes to gross income.
Alabama.....	\$340,289	\$6,970	2.05
Arizona.....	293,066	6,344	2.16
Arkansas.....	882,278	6,350	1.06
California.....	4,897,444	124,284	2.52
Colorado.....	1,648,979	70,765	4.30
Connecticut.....	1,273,613	26,099	2.05
Florida.....	191,637	4,206	2.19
Georgia.....	225,795	6,261	2.77
Idaho.....	186,554	5,045	2.70
Illinois.....	5,578,012	152,076	2.73
Indiana.....	1,604,099	55,425	3.46
Indian Territory.....	94,246	1,115	1.18
Iowa.....	1,207,589	29,614	2.28
Kansas.....	588,138	16,997	2.89
Kentucky.....	787,700	17,040	2.16
Louisiana.....	894,240	35,355	3.95
Maine.....	678,250	18,402	2.71
Maryland.....	928,062	26,477	2.85
Massachusetts.....	6,070,643	296,444	4.88
Michigan.....	1,855,714	54,580	2.94
Minnesota.....	1,448,084	40,991	2.83
Mississippi.....	245,788	5,762	2.34
Missouri.....	2,121,604	79,161	3.73
Montana.....	1,009,763	28,936	2.87
Nebraska.....	540,859	16,322	3.02
Nevada.....	44,549	1,550	3.48
New Hampshire.....	829,072	23,621	2.85
New Jersey.....	3,378,651	121,131	3.58
New Mexico.....	135,307	2,737	2.06
New York.....	16,631,802	719,699	4.33
North Carolina.....	154,407	3,112	2.02
North Dakota.....	143,205	4,157	2.90
Ohio.....	3,729,330	99,936	2.68
Oklahoma.....	171,179	2,250	1.31
Oregon.....	670,262	20,080	2.99
Pennsylvania.....	9,057,503	294,151	3.25
Rhode Island.....	1,017,630	56,675	5.57
South Carolina.....	338,219	5,018	2.37
South Dakota.....	179,114	4,073	2.27
Tennessee.....	828,189	26,420	3.19
Texas.....	1,957,568	37,607	1.95
Utah.....	711,483	18,882	2.65
Vermont.....	433,392	8,302	1.94
Virginia.....	154,806	2,873	1.86
Washington.....	635,443	14,566	2.29
West Virginia.....	235,276	4,607	1.74
Wisconsin.....	1,166,533	34,515	2.95
Wyoming.....	159,216	3,439	2.17
All other States.....	722,809	11,263	1.56
All States.....	78,735,500	2,654,885	3.37

NOTE.—Gross income is from Table No. 67, and total taxes is from Table No. 72.

Statement showing percentage of taxes to gross receipts paid by electric lighting companies within the District of Columbia for the year 1905, compiled from Report No. 3792, to accompany Senate bill No. 43.

Potomac Electric Power Company:	
Gross receipts, 1905.....	\$663,558.83
Taxes for year 1905.....	\$34,590.92
Per cent.....	5.21

Statement showing percentage of taxes to gross receipts payable by electric lighting companies within the District of Columbia for the year 1905 under proposed law imposing additional tax of 12 per cent on net earnings, compiled from Report No. 3792, to accompany Senate bill No. 43.

Potomac Electric Power Company:	
Gross receipts, 1905.....	\$663,558.83
Taxes for year 1905.....	\$93,759.78
Per cent.....	14.1

JUNE 8, 1906.

Mr. GALLINGER. I thank the Senator from Pennsylvania. Mr. PATTERSON. I will simply say that I will notice what the Senator from New Hampshire has said when the debate on this bill may be resumed.

Mr. BURNHAM. Mr. President—
The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from New Hampshire?

Mr. KNOX. I do.
Mr. BURNHAM. Just a moment. I desire to give notice that I shall call up the Alaska railroad bill at the conclusion of the consideration of the District railway bill, and I ask unanimous consent that the Senate will agree at that time to consider the Alaska bill, of which I gave notice yesterday evening.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the Alaska railway bill be taken up for consideration after the bill reported by the Committee on the District of Columbia that has been under consideration shall have been disposed of.

Mr. BERRY. I object.
The VICE-PRESIDENT. Objection is made.
Mr. BURNHAM. I shall ask unanimous consent, and I shall ask for a vote of the Senate on proceeding to the consideration of the bill notwithstanding the objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

S. 1649. An act providing for the retirement of petty officers and enlisted men of the Navy; and

S. R. 66. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Mr. José Martin Calvo, of Costa Rica.

The message also announced that the House had disagreed to certain amendments of the Senate to the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907, agrees to the amendment of the Senate numbered 29, with an amendment, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. SCOTT, and Mr. LAMB managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 4184. An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii, to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii; and

H. R. 10292. An act granting to the town of Mancos, Colo., the right to enter certain lands.

AGRICULTURAL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to certain amendments of the Senate to the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907, agreeing to amendment No. 29 with an amendment, and requesting a conference on the disagreeing votes of the two Houses.

Mr. PROCTOR. In view of the importance of one amendment made by the House, I ask that the bill lie upon the table, and that the amendment of the House to Senate amendment numbered 29, which is in the nature of a substitute and is quite lengthy, be printed.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Vermont? The Chair hears none, and it is so ordered.

PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KNOX. Mr. President, if it were not for what I regard as a real obligation upon my part to myself, to the Senate, and to the gentlemen upon the Committee on Inter-oceanic Canals, with whom I am in accord upon the subject of the type of the proposed canal, I would not feel justified in taking the time of the Senate this afternoon. But I do feel that I owe it to myself, to the Senate, and to my associates upon that committee to state the reasons which have led me to the conclusion that the lock type of canal, as recommended by the minority of the Board of Consulting Engineers, is the most practicable, useful, and cheapest canal that the Government can construct.

Mr. President, in June, 1902, the Congress of the United States passed an act, commonly known as the "Spooner Act," providing for the connection of the Atlantic and Pacific oceans by means of a canal at the Isthmus of Panama. A more comprehensive and yet concise piece of legislation it has not been my fortune to inspect. The authority conferred upon the President of the United States is found in very brief paragraphs and it is plain and simple and easily understood. After providing that the President of the United States shall, if he finds that he will be able to obtain a good title therefor, purchase from the Panama Canal Company all of its property upon the Isthmus of Panama, all its stock in the Panama Railway Company, and all its archives in the city of Paris, the act provides as I shall read, and it is the execution of this act that the President is now engaged in, and it is the manner of the execution of this act which we are now considering. The act provides that—

The President shall then, through the Isthmian Canal Commission hereinafter authorized, cause to be excavated, constructed, and completed, utilizing to that end, as far as practicable, the work heretofore done by the New Panama Canal Company, of France, and its predecessor company, a ship canal from the Caribbean Sea to the Pacific Ocean. Such canal—

The act provides—

shall be of sufficient capacity and depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean.

So, Mr. President, if the Congress of the United States is of the same mind that it was in June, 1902, the thing that it desired is that the President of the United States shall proceed to the execution of this act by constructing a canal which shall be of sufficient capacity and depth to afford convenient passage for the largest vessels now in use and those which can be reasonably anticipated.

For the execution of this work the Congress made three separate and distinct appropriations in this act. The first is found in section 5. Section 5 provides:

That the sum of \$10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated by either route so selected.

Further in section 5 it is provided as follows:

And the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, harbors, and defenses. . . . Appropriations therefor shall from time to time be hereafter made, not to exceed in the aggregate the additional sum of \$135,000,000 should the Panama route be adopted, or \$180,000,000 should the Nicaragua route be adopted.

So, then, it was contemplated by Congress at the time of the passage of this act that the sum of \$135,000,000, plus the sum of \$10,000,000 appropriated in the first paragraph of section 5, which I have read, plus the sum of \$40,000,000 which was appropriated for the purchase of the property of the New Panama Canal Company of France, that that total of \$185,000,000 should secure that property and execute the work.

Mr. President, it is wholly unnecessary for me to recite to the Senate what has been done up to the present time. We are familiar with the fact that, on account of the agitation in the public press, the question arose as to the type of the canal, which seems to me to have been contemplated by the act to have been a lock canal, or such a canal as could have been built within the limits of the appropriation. But for the reason that I have pointed out, or for some other one equally good, the President of the United States convened not long since a board of consulting engineers, calling together the highest engineering talent of all the earth, and submitted to them the question as to whether or not, in their judgment, a lock canal should be constructed at Panama or a sea-level canal.

Mr. CLAY. I should like to ask the Senator a question.

The PRESIDING OFFICER (Mr. SCOTT in the chair). Does

the Senator from Pennsylvania yield to the Senator from Georgia?

Mr. CLAY. If the Senator is clear that the act contemplated that a lock canal should be built and the President so understood and he was executing that act, why was it that the President summoned a board of engineers and held a consultation to ascertain whether he would build a sea-level canal or a lock canal?

Mr. KNOX. I have just endeavored to explain that to the Senator by saying that because of the public agitation as to the type of the canal the President deemed it wise to submit that question to Congress, which he did in a message transmitting the report of the Board of Engineers. As to my own personal judgment, from the language of the act of 1902, that "such canal shall be of sufficient capacity and depth as shall afford convenient passage," etc., "and shall be supplied with all necessary locks and other appliances," and that it shall be built within the sum of \$135,000,000 plus \$10,000,000, I think it contemplated clearly that a lock canal should be constructed.

However, it is not my purpose to discuss the provisions of the act, but to discuss this proposition as it finds itself now before the Congress of the United States.

Mr. TALIAFERRO. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Florida?

Mr. KNOX. Certainly.

Mr. TALIAFERRO. Would it interrupt the Senator from Pennsylvania if I should ask him to advise the Senate as to the views of the President on the type of the canal at the time he assembled the Board of Consulting Engineers?

Mr. KNOX. It would be wholly impossible for me to answer such a question as that.

Mr. TALIAFERRO. The President delivered a speech to the Board, which is contained in the report of the engineers and to which I thought the Senator from Pennsylvania might readily refer.

Mr. KNOX. The President's views were expressed to Congress in the message by which he transmitted the report of the Commission and the report of the Board of Consulting Engineers. Whether he had any views outside of that, of course I know not, and I do not regard it as material to anything I propose to discuss.

Mr. TALIAFERRO. I simply wanted to call the Senator's attention to the fact that the President of the United States in submitting this question to the Board of Consulting Engineers distinctly spoke in favor of a sea-level canal, if a sea-level canal were found to be feasible and practicable.

Mr. KNOX. That would be very persuasive evidence with me that the President of the United States had reached a view which was not conclusive. I am speaking of my own views upon the type of canal based upon diligent attention and the testimony of engineers and others who were called before our committee, and diligent study of the subject made since.

Mr. President, the fact is that the Board of Consulting Engineers disagreed. The majority of them reported in favor of a sea-level canal and a minority in favor of a lock canal. I have had drawn a map, which is upon the wall in this corner, to which I shall take occasion to refer, because from that map there will be seen at a glance the difference between the lock canal and the sea-level canal in that respect. It shows the difference between those two canals in respect to the ability of the one as against the other to accommodate the commerce which will pass across the Isthmus of Panama. At this point [indicating] it is proposed to construct the Gatun lock. The construction of the Gatun dam will gather the waters of the Chagres River and its tributaries, which flow through this portion of the country, into a lake which will extend from the dam at Gatun practically to Obispo, a distance of some 25 miles. The area of this lake is 110 square miles. I have had this map drawn, not for the purpose of showing the perimeter of that lake, but for the purpose of showing in blue only such portions of the lake as contain 45 feet of water, so that Senators by merely glancing at this map will observe the area of navigable waters of the depth of 45 feet. I would ask Senators to make a special note of what I say, that all they see before them in blue is navigable water 45 feet deep, and that the largest vessels that have ever been constructed can penetrate into those portions of this lake and find safe and navigable water of that depth.

As against this, Mr. President, if the eye will define this red line [indicating] drawn from the middle of the Gatun dam and following this line, it will see what is proposed as the sea-level canal, which at no place is to exceed 200 feet in width and at portions of it, I think about 15 miles, will be 150 feet in width.

So, Mr. President, if there is no difficulty in the way of constructing this dam at Gatun, there could hardly be any question as to which of these propositions would be the best for the ac-

commodation of the commerce of the world—the blue space disclosing, as I have said, navigable water 45 feet deep, and this at 40 feet only 200 feet in width.

That brings me to the proposition which I propose to discuss, and practically the only one, except that I shall generalize on some practical features of the case: Is there any difficulty in constructing that canal which will give this great area of navigable water, and is there any difficulty in respect to the works that are proposed in connection with this project by the minority of the committee?

Mr. President, the Senator from New Hampshire [Mr. GALLINGER], when the Senator from South Dakota [Mr. KITTREDGE] spoke on this subject, asked him a question which it seems to me can furnish a text or the key of the inquiries which I am making. Reading from page 7724 of the RECORD, the Senator from New Hampshire made the following inquiry:

Mr. GALLINGER. The Senator from Illinois [Mr. HOPKINS] lays stress upon the depth it will be necessary to go to find rock foundations for these small dams. Am I correct, I will ask the Senator from South Dakota, in supposing that the enormous dam at Gatun that will be necessary if we have a lock canal, a mile and a half long, half a mile wide, and I have forgotten how high, will necessarily be built upon a mud foundation?

To which the Senator from South Dakota replied:

Mr. KITTREDGE. The Senator is absolutely correct, as I will later show.

Mr. President, it seems to me that this is the key of the whole situation; and as that is the key to the whole project, so is the accuracy of the answer of the Senator from South Dakota the key of the argument which I propose to make. Senators will observe that there was no qualification of this answer; Senators will observe that the answer was, "The Senator is absolutely correct."

Mr. President, in my deliberate judgment, the answer is not correct. The answer is correct in this sense, and in this sense alone: It depends altogether upon what Senators and what engineers may choose to call the substance upon which that proposed dam will rest. There is not any doubt as to what it is, borings having been made, but the only doubt is what it shall be called. Witnesses appeared before the committee who said it was mud; witnesses appeared before the committee who said it was indurated clay, and witnesses appeared before the committee who said it was rock. There are many things that we can learn from engineers; there are many things that we must accept from scientists; we must take a great deal in this world upon faith; but I contend that the question as to whether a given material is mud, indurated clay, or rock is a question that the Senate can decide for itself.

Mr. President, I will produce, for the inspection of such Senators as care to examine them, borings taken from different places along the site of this Gatun dam, and Senators may see for themselves whether these substances, which I hold in my hands, are rock, mud, or indurated clay.

Mr. KITTREDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from South Dakota?

Mr. KNOX. Certainly.

Mr. KITTREDGE. Will the Senator tell us at what point beneath the proposed Gatun dam these borings were made?

Mr. KNOX. The number of the bore hole is plainly marked on the specimens.

Mr. KITTREDGE. And where located?

Mr. KNOX. Yes, sir; and where located.

The length of the proposed dam across the valley at Gatun—

Mr. KITTREDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from South Dakota?

Mr. KNOX. Certainly.

Mr. KITTREDGE. Will the Senator kindly give the marks upon these borings?

Mr. KNOX. I will pass these specimens around, if the Senator from South Dakota does not mind, as I prefer to go on now with my remarks, and let Senators examine them for themselves.

Mr. KITTREDGE. Very well.

Mr. PATTERSON. Does the Senator from Pennsylvania intend to explain these specimens and under what headings they will come?

Mr. KNOX. Yes, sir; I will later on.

The length of the proposed dam across the valley at Gatun will be about 7,700 feet. The width, or thickness, at the top, 100 feet; at the top of water resting against it, 374 feet; at the bottom of the dam, 2,625 feet, or one-half mile. The extreme height of the dam will be 135 feet, or everywhere 50 feet higher than the water in the lake. The dam will contain about 22,000,000 cubic yards of material, principally clay, all

put in by sluicing or hydraulic process, and will weigh about 30,000,000 tons. It will weigh sixty-three times as much as the entire pressure against it from the water in the lake.

The character of the foundation upon which this artificial mountain is to rest was determined by borings. The borings across the entire length of the dam site show that the rock comes everywhere nearly to the surface—excepting at two places, one about 1,000 feet in width, where the rock was found at varying depths, the greatest being 200 feet. In the other case, for a width of about 750 feet, rock was found at varying depths, the blanket of impervious clay and fine sand being not less than 200 feet in thickness. In the case of the latter depression, coarse sand and fine gravel, containing some water, were found in the extreme bottom for a thickness of from 50 to 58 feet.

It is not believed, as the result of careful experiments made by eminent hydraulic engineers during the last few years, that any artificial preparation of the foundation of this dam would be necessary other than to remove the top soil and alluvial material from the space to be occupied by the same, thus allowing it to rest directly on the heavy impervious strata of clay and fine sand lying on top of the rock. However, to place the matter entirely outside of the realm of speculation or criticism, it is proposed to put down a large number of additional drill holes, and then, if conditions would seem to indicate the slightest necessity for such precaution, to either drive steel sheet piling or to force down cement grout, probably the latter, to render any water-carrying material absolutely impervious, the cost of such possible work having been provided for in the estimate. Thus the foundation of the Gatun dam is clearly shown to be an impervious stratum of clay and fine sand, through which water will not penetrate, from 20 to 200 feet in thickness, resting everywhere on rock. It is not mud in any sense of the word.

I will insert in my remarks a table showing in the thirteen bore holes across the two depressions the situation as regards the presence of water. There were thirteen borings, and water flowed from only one of them at a depth of 32 feet. Of the other twelve it did not flow from six at any depth, and from the remaining six it flowed only at a much greater depth than 32 feet. There is not the slightest basis for the statement that at all depths below 32 feet the material is freely water bearing.

Number of bore hole.	Depth of bottom of hole below sea level.	Remarks.
16 86	-103	No water is reported to have flowed from pipe at any depth.
1915	-204	Do.
2081	-190	At 32 feet water flowed over top of casing and continued to -62 feet. Also flowed at -170 feet over top of casing.
22 40	-173	No water reported until a depth of -124 feet was reached, when water flowed over top of casing.
23 37	-180	No water reported until a depth of -72 feet was reached, when water flowed over top of casing.
27 30	-182	No water reported until a depth of -151 feet was reached, when water flowed over top of casing and continued to flow to 170 feet.
29 75	-62	No water flowed from pipe at any depth.
31 50	-53	Do.
32 32	-57	Do.
50 58	-116	Do.
52 67	-218	At -41 feet water flowed over top of casing and continued to flow to -214 feet.
54 51	-200	No water reported until depth of -192 feet was reached, when water flowed over top of casing and continued to flow to -220 feet.
56 48	-197	No water reported until depth of -118 feet was reached, when water flowed slightly and continued to -131 feet.

It is proposed to construct this Gatun dam entirely by the hydraulic or water-sluicing process, the material taken largely from the prism of the canal, between the dam and Limon Bay, being largely clay with some fine sand. This material will be moved in barges up through the old French canal, and then handled by pumping plants directly into the dam. This process results in the solidest and most stable bank that can be made of earthen materials, and would become sedimentary rock were it subjected to heavy pressure. Owing to the excellent character of the material and to the process of depositing it in the work, the result will be an enormous mass, over sixty times as massive, as shown above, as any force that can be exerted against it, one that will be absolutely impervious to water, even with the pressure of the lake; and a dam which will be 50 feet higher than the water surface of the lake it will create.

The face or upstream side of the dam, as shown by the profile in blue, where the water rests against it will be ripped or covered with large stones, to prevent any wave wash, and the

extreme toe or lower wedge end at the downstream side will be made of large rock, to prevent any very improbable filtration of water from any source or cause from carrying away any portion of the material.

Careful investigations and experiments have been conducted which show that even if the entire section of the material in the foundations of this dam, in the two depressions spoken of above, were pervious to water—or, in other words, if water could percolate it—the result would be a total of water thus escaping of but 10 cubic feet per second—an entirely negligible quantity.

Mr. President, in my judgment, based upon the testimony which I have heard and the examinations which I have made, there can be no doubt as to the safe and entirely reliable character of the foundations of this dam; once built and in service. The only wonder will be why it was ever criticised. The whole structure will be as solid and eternal as the hills and mountains inclosing the Chagres Valley, and when the latter are destroyed, then, and only then, will the Gatun dam fail of its intended purpose.

Now, Mr. President, having described the physical features of the Gatun dam and the character of its foundation to show that it rests not upon mud throughout its entire length, but upon rock, let me direct the attention of Senators to the following quotation from the speech of the Senator from South Dakota on May 28, 1906. The Senator asserted that the majority of the Board of Consulting Engineers questioned the stability of the Gatun dam. He said (RECORD, p. 7731):

The majority of the Board—eight to five—strenuously opposed the idea of a dam and locks at Gatun on two grounds: First, that the introduction of locks in the treatment of the question was objectionable from many points of view, and, second, that the maintenance of a summit level by means of an earth dam of immense magnitude to control the flood waters of this river introduces an element of great danger.

Mr. President, this statement is not supported by the report of the Board of Consulting Engineers, and I propose to show that even the majority of that Board did not question the stability of the Gatun dam.

Mr. Frederic P. Stearns testified before the Committee on Interoceanic Canals (page 1889) that it was at least six weeks after the first description of this dam was presented to the Board before any criticism was made unfavorable to the safety of the dam, and it was then made by only one member of the Board, who did not criticise it at all in detail, but stated that it was an engineering guess to which he would not subscribe his name.

In the testimony before the Committee on Interoceanic Canals Professor Burr, of the majority of the Board of Consulting Engineers, has testified as to the danger of such a dam, while Mr. Parsons, in oral testimony, and Mr. Hunter, in a letter, both of the majority, have expressed an opinion in favor of the stability of the dam.

Mr. President, permit me to read a portion of that testimony, Mr. Parsons being on the stand. I read from page 404:

Senator TALIAFERRO. Have you taken up the question of the dams, Mr. Parsons?

Mr. PARSONS. Not in any detail; no, sir.

I ask Senators to note that answer, because I shall refer to it later on in my argument. When asked if he had taken up the question of the dam, Mr. Parsons replied, "Not in detail; no, sir."

Senator TALIAFERRO. Do you consider the dam as proposed by the minority at Gatun, is it not—

Mr. PARSONS. At Gatun; yes.

Senator TALIAFERRO (continuing). Do you consider that a safe dam?

To which Mr. Parsons replied:

Mr. PARSONS (after a pause). Yes; I consider it as a safe dam. I do not particularly like a dam at that point, but I think that dam would stay. I would rather have a dam in which I knew the water of percolation to be cut off. You are going to get water percolating beneath that dam, and some questions are going to arise. Some of our friends think those questions are very very serious. I do not know that I quite go to the length that some of them do; but when you have a question mark opposite the key detail of your whole structure one naturally hesitates.

These matters of detail were conjectured by him, because he replied that he had not taken up the subject of the dam in detail. But in reply to that portion of the question which may be considered a general question as to the stability of the dam, he replied that he thought that that dam would be safe. Reading further from the testimony (p. 419):

Senator KNOX. Right in that connection, because it is a part of the same subject, is there a sufficient amount of water, in your judgment, flowing through those channels to affect the stability of the dam?

Mr. PARSONS. As I said yesterday, Senator, I believe that dam will be stable, even under those conditions. It is a dam that I would rather not build, but if it was the only way to build the Panama Canal I would build the dam that has been proposed by the minority. I do not believe in the arrangement of the dam, and the most objectionable feature is the one I explained yesterday in connection with the three locks.

Senator KNOX. I understand that view thoroughly. I only wanted to be satisfied in my own mind about the question of stability.

Mr. PARSONS. I believe that the dam will be stable. It is somewhat conjectural, but I believe that with proper care the dam would be stable—

The published report of the majority of the Board of Consulting Engineers nowhere specifically states that the Gatun dam is unsafe.

Mr. KITTREDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from South Dakota?

Mr. KNOX. Certainly.

Mr. KITTREDGE. I will ask the Senator if it is not a fact that when the majority report was written, the minority report proposing a lock plan had not yet been formulated?

Mr. KNOX. Exactly; I am coming to that in a moment.

As I had just observed, Mr. President, the published report of the majority of the Board of Consulting Engineers nowhere specifically states that the Gatun dam is unsafe, although there are many suggestions as to the instability of earth dams of many kinds, but these suggestions necessarily include the dams proposed by the majority as well as by the minority.

The reason for this peculiar phraseology of the report is not difficult to understand on the assumption that nearly all the members of the majority believe the Gatun dam to be a stable structure.

The foreign members left this country before the draft of the report was made, as is stated in the minutes of the proceedings of the Board of Consulting Engineers, and after it had been drafted and printed the report was taken to Europe by the chairman for the signature of the five European members. It was so well known that these members regarded the Gatun dam as a stable structure that in drafting the report care was evidently taken not to make any statement that this dam was unsafe, as such statement would undoubtedly have been stricken out before the additional signatures were appended. I believe that this accounts fully for the absence of any expression of opinion with regard to the Gatun dam which does not also apply to other dams.

Mr. President, regarding the possibilities and probabilities of the situation, knowing as we did know, knowing as the most ordinary layman would know, that the whole scheme of the lock system depended upon the stability of the dam at Gatun, if those consulting engineers had a defined and settled opinion to the effect that that dam was unsafe, they would have branded it as unsafe in no mistaken terms, and they need not have gone further with their criticism of that scheme, because that in itself would have been sufficient to eliminate it.

Mr. KITTREDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from South Dakota?

Mr. KNOX. Certainly.

Mr. KITTREDGE. Perhaps my inquiry was not understood by the Senator from Pennsylvania. I understand the fact to be—and I ask the Senator if I am not correct—that the report of the majority of the Board of Consulting Engineers was written and in the hands of the minority of the Board of Consulting Engineers, who favored the lock plan, before they proposed the lock plan now suggested by the minority of the Committee on Interoceanic Canals. Is not that the fact?

Mr. KNOX. Mr. President, I do not know how that may be. I did not understand the Senator's previous question. I repeat, I do not know how that may be, and I do not think it is at all material to anything for which I am now contending.

The Senator from South Dakota, in his speech, endeavored to make the following general statement applicable to the Gatun dam. He said (CONGRESSIONAL RECORD, p. 7731): "In this connection I will read a few sentences from the report of the Board of Consulting Engineers upon the subject of the Gatun dam." Then he quoted the following paragraph, by reading which it will be seen that it is not a statement upon the subject of the Gatun dam, but is a general statement relating to all dams. It is as follows:

The United States Government is proposing to expend many millions of dollars for the construction of this great waterway, which is to serve the commerce of the world for all time, and the very existence of which would depend upon the permanent stability and unquestioned safety of all dams.

And, Senators, note that the sea-level scheme depends for its integrity upon four dams that impound an area of water of over 44 square miles. It depends upon dams, not for the purpose of facilitating transportation along the line of the canal, but it depends upon dams to prevent the destruction of the canal. The radical distinction between the lock system and the sea-level system is this: That under the lock system we impound the water at Gatun and make that lake the canal, whereas the impounded area of over 44 square miles by the four dams of the

sea-level system is not utilized at all for the purposes of navigation.

Mr. KITTREDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from South Dakota?

Mr. KITTREDGE. I do not wish to interrupt the Senator if it at all disturbs him.

Mr. KNOX. I would not infer that the Senator did, but I will yield.

Mr. KITTREDGE. Of course, I do not wish to disturb the Senator, but I should like to ask the Senator one more question.

Mr. KNOX. Certainly.

Mr. KITTREDGE. I should like to ask him whether all the dams proposed by the sea-level scheme had not the full approval of all the members of the Board of Consulting Engineers, minority as well as majority?

Mr. KNOX. Mr. President, I do not know how that may be. But I do not want to be misunderstood. I am not contending here that it is not possible to build a sea-level canal, and I do not think any intelligent engineer has ever contended that it was not possible to build a lock canal. The question here is, Which is the better of the two under all the circumstances? If the Senator from South Dakota will permit me to proceed, I think many of the things to which his mind would naturally be directed will be anticipated in my remarks. However, I do not wish to indicate that a question annoys me in the slightest degree.

Continuing the quotation from the report of the Board of Consulting Engineers:

The Board is therefore of opinion that the existence of such costly facilities for the world's commerce should not depend upon great reservoirs held by earth embankments resting literally upon mud foundations or those of even sand and gravel. The Board is unqualifiedly of opinion that no such vast and doubtful experiment should be indulged in, but, on the contrary, that every work of whatever nature should be so designed and built as to include only those features which experience has demonstrated to be positively safe and efficient.

Senators will note that this is a general statement. It makes the broad statement that it is the opinion of the Board that the canal should not depend upon great reservoirs held by earth embankments, and yet the report of the majority favoring a sea-level canal proposes to build four great reservoirs held by such embankments.

Now, let us for a moment consider these dams and reservoirs in connection with the opinion contained in the above quotation, that the work "should be so designed and built as to include only those features which experience has demonstrated to be positively safe and efficient."

The plans of the minority of the Board of Consulting Engineers provide for the formation of two great reservoirs, one of them retained by the Gatun dam, with a depth of water against it of 85 feet, and the other retained by three dams at the Pacific end of the canal, with a depth of water against them of 55 feet.

The sites of these dams have been carefully examined by the Board of Consulting Engineers; there have been numerous borings showing the character of the foundation, and they have been designed with care by the best engineering authorities on the construction of dams with a view to making them safe without regard to the cost of the work.

The testimony discloses that the proposed dams are well within the limits of actual experience, as earth dams of much smaller mass and with a pressure of water against them as great as that against the Gatun dam have not only successfully held water for the last forty years near San Francisco, but these same dams, with the reservoirs behind them full, have successfully withstood the recent earthquake shocks at that place, and, notwithstanding the fact that the main fault, or fissure line, of the earthquake, which extends continuously for 50 miles or more, passes directly by the end of one of these dams, and the ground at this place was so severely shaken that trestles and other structures were wrecked, the dams remain intact. These dams have not more than one-sixth of the mass or of the resisting power that will be possessed by the proposed Gatun dam.

There is another dam, also shaken by the California earthquake, which has against it a depth of water of 115 feet, 30 feet greater than that proposed against the Gatun dam, and this also, although shaken by the earthquake, was not affected.

The closest precedent for the Gatun dam is a great earth dam built in connection with the Wachusett reservoir of the Metropolitan Water Supply, of Massachusetts. This is one-third longer than the Gatun dam, will have 20 feet less depth of water against it, and it rests on fine material, where borings showed a maximum depth of rock of 286 feet, while the maxi-

mum depth to rock at Gatun is 258 feet. It is similar in general design, as its thickness at the highest place is one-third of a mile, while the thickness of the dam at Gatun is one-half of a mile.

Mr. Stearns tells us the character of the material under the Wachusett dam, which is locally known as the "North dike of the Wachusett reservoir," is more permeable than that indicated by the borings at Gatun. The water pressure is now against it, although the reservoir is not full, and the quantity percolating beneath the dam is so small that it is evident that it will be negligible even when the reservoir is entirely filled.

We know that the construction of dams on alluvial foundations is no novelty. All of the levee systems of the Mississippi River are built upon alluvial foundations, and some of these levees which cross crevasses are high, yet no engineer connected with the levee system would doubt his ability, with sufficient funds, to construct safe levees at such places. The famous dikes of the Netherlands, which prevent the encroachment of the sea, rest on material which has been deposited in water, often to some extent containing mud, so that it will settle.

These comparisons, Mr. President, show that the dams of the lock canal are well within the limits "which experience has demonstrated to be positively safe and efficient."

Let us for a moment next examine the character of the dams proposed in connection with a sea-level plan. There are four of them—the same number as required in the plan for a lock canal.

The greatest dam is that at Gamboa, for the purpose of holding back the waters of the Chagres River. The Board recommended at this place "either an earth dam with a heavy masonry core carried down to bed rock, or an all masonry structure founded at the same depth and upon the same material" (Report, p. 47), in this way giving their approval to an earth dam with a masonry core wall at this place.

The highest flow line of this reservoir is 130 feet above the river bed and 170 feet above the bed rock, which at this place is at sea level. The lake formed by the dam would have an area of 29½ square miles. In other words, Mr. President, the vessels which would have to navigate the sinuous windings of this 200-foot-wide canal would have impending over them at a height of 170 feet, held back by an earthen dam with a masonry core, a lake 24 miles in area; a lake which for its integrity not only depended upon the dam which held back its waters, but likewise depended upon the integrity of the three other dams which dammed up the tributaries of the Chagres River.

In approving an earth dam of this height with a core wall the Board has gone directly contrary to their unqualified opinion that "no vast and doubtful experiment should be indulged in," and that the works should "include only those features which experience has demonstrated to be positively safe and efficient." I make this statement because no earth dam of any kind has been constructed to retain water to a greater height than about 115 feet, which is held by the California dam already referred to, and no earth dam with a concrete core wall has ever been in use in which the height of the core wall has exceeded 125 feet, while in this dam it would require a height of 170 feet.

The Board, in the consideration of the subject of dams (Report, p. 46), states:

The earth dams which have already been built for the retention of large bodies of water, some of them exceeding 100 feet in height, show that this type of structure may give satisfactory results when properly designed and constructed, but the character of the foundation material on which such dams are built and the means for preventing dangerous seepage underneath or through such foundations must always be carefully considered.

The report then proceeds to recommend three dams, respectively, across the rivers Gigante, Gigantito, and Cano Quebrado, without giving any designs, without any engineer having looked at the sites of these dams to determine whether they were favorable or not, and without any borings at their sites to show the character of the material or the depth to rock. That these dams can be built at these places is merely a matter of conjecture, based upon the rough topographical surveys of a large section of territory made by the French before the canal came into the possession of the United States.

Notwithstanding the statement of the majority above quoted, that the character of the foundation material on which such dams are built and the means for preventing dangerous seepage beneath or through such foundations must always be carefully considered, they have, without any such consideration, recommended as a vital part of their project that these dams be built to hold back great reservoirs of water, which, although not so large as that to be held back by the Gatun dam, are,

nevertheless, such great reservoirs that if the water were to be let loose by the failure of the dams the destruction of the canal would inevitably result.

All three of these proposed dams—I am speaking of the three proposed dams of the sea-level type outside of the Gamboa dam—will have a height of about 75 feet above the surface of the ground. That required to close the Gigante will be 2,800 feet long, that to close its main tributary, the Gigantito, will be about 490 feet long, and that to close the Cano about 820 feet long. The lakes which they form have an aggregate area of ground of upward of 10 square miles.

As to the effect of the destruction of dams holding back so great a body of water, it is well to note that the damage done by the Johnstown flood resulted from letting loose the water from a reservoir having an area of only two-thirds of a square mile.

Mr. President, in this connection I want to observe that the failure of that dam was caused not by any weakness in the foundation, although it was nothing but an earth dam, not by any pressing out or washing away of the dam from the pressure of water which it held back, but because of the enormous precipitation of the night before, when the waters of the dam rose with such rapidity that the sluiceway, or spillway, was not able to carry them off, and they rushed over the top of the dam, cutting out the outer surface, thereby causing the failure. In that connection I wish to call attention to the fact that in this proposed lock at Gatun, supported by the dam of which I have been speaking, the crest of the dam rises 50 feet above the normal height of the lake, and the lake is so vast in area that it will gather upon its bosom the waters of the Chagres and all its tributaries and so scatter them that at high flood the waters will not rise more than 2 or 3 feet, leaving an absolute margin of safety of from 45 to 47 feet.

The Senator from South Dakota (CONGRESSIONAL RECORD, p. 7733) quoted at length and asked to have incorporated in his remarks a statement from the address of Mr. William R. Hill, the engineer in charge of the Croton dam, the great water reservoir for the city of New York. He quoted, speaking of the Croton dam:

Such a structure can not be regarded as anything but an experiment. It is abnormal and unprecedented in all of its dangerous features. The engineer might apply in vain for science to aid in computing the efficiency of such a structure; he could get no light, for he could find not even the slightest guaranty of safety in a structure so built.

It is unfortunate for the Senator's cause that the remarks which he has quoted apply to the Croton dam, which was an earth dam with a masonry core wall, such as the majority of the Board of Consulting Engineers propose to build at Gamboa, and does not apply in the least to the type of dam proposed in connection with the lock canal at Gatun.

Mr. KITTREDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from South Dakota?

Mr. KNOX. Certainly.

Mr. KITTREDGE. I will ask one more question of the Senator from Pennsylvania. Do not the plans of the majority of the Board of Consulting Engineers contemplate the construction of a masonry dam, or an earth dam with a masonry core wall?

Mr. KNOX. Yes; that is correct—either a masonry dam or an earth dam with a masonry core wall.

Mr. KITTREDGE. I merely wished to call the Senator's attention to that fact.

Mr. KNOX. Yes; I will refer to that later on. It is absolutely correct—either one or the other.

Mr. Hill, the engineer whom the Senator from South Dakota quoted with approval, in almost the next sentence of the address quoted from, stated that the "core wall cracked in five places within a length of 100 feet."

Further, after calling attention to the great height of this core wall, which was 200 feet, or only 30 feet higher than one of the alternatives, I will add, proposed by the majority of engineers to the dam at Gamboa, Mr. Hill says:

Considering the height of the wall, and this in artificially placed earth, it could be but an experimental structure, inasmuch as it would be about twice the height of any heretofore built.

Mr. President, in reviewing the dams proposed in connection with the lock canal and with the sea-level canal it can be confidently asserted that the dams of the lock canal have been designed by engineers of the highest reputation in this branch of engineering after a careful examination of their sites and after extended borings to show the character of the material beneath them, and that they do not go beyond the limits of actual practice, except in being made more massive and stronger than any dams heretofore constructed to retain the same depth of water. On the other hand, it can be confidently asserted that three out of the four dams of the sea-level canal have not

yet been designed; that their sites have not been examined; that the character of the material or the depth to rock at the sites is entirely unknown, and that the fourth dam is far beyond the limits of any actual practice.

The difference in the degree of detail with which the sea-level and lock-canal plans are presented by the majority and minority of the Board of Consulting Engineers is very marked, and should be carefully considered and given great weight in drawing conclusions concerning their respective merits. The structural features of the lock plan, and their locations, are described in such detail that intelligent investigation and criticism can be applied to all of them, while, on the other hand, the intentions of the majority in the presentation of similar parts of the sea-level plan are so vaguely and indefinitely expressed as to evade the scrutiny and exact knowledge necessary before safe conclusions can be reached as to their practicability, cost, and stability.

Mr. President, it required the unanimous consent of the foreign engineers upon that Board to make this majority, and when I have gone over the report they have made and seen the lack and want of detail, it seems to me that these gentlemen practically opened their arms and walked away and said it can be done, but not how it can be done; and it is for us to work out the execution of their scheme, and if we fail it is our failure.

As I have said, the principal structures in the sea-level plan are the Gamboa dam and controlling sluices, the four dams across the Gigante, Gigantito, Cano, and Agua Benita rivers, the spillway for the lake formed by these dams, the structures for the control of the other tributaries of the Chagres, and the tide lock at the Pacific end.

Those in the lock plan are the Gatun dam, the three dams forming Lake Sosa, and the several locks.

Reviewing in detail the consideration and information concerning these works given in the two reports submitted by the majority and minority of the Consulting Board, we find a remarkable difference. Taking first the sea-level report, information concerning the keystone of the project is limited to the following statement:

At the site of the Gamboa dam, 30 miles from Colon, the river bed has an elevation of about 50 feet above mean sea level, but the deepest rock is at practically sea level, making it necessary to sink the foundations of a dam to a maximum depth of only 53 or 54 feet below water at the low stages of the river before finding material on which to form a suitable foundation bed. At the proposed site of the dam the high hills approach each other within 2,020 feet at an elevation of 180 feet and within 1,170 feet at the bottom of the valley. The earth overlying the rock is of moderate depth, so that the conditions are favorable for the construction of any type of dam which may be adopted.

The consideration of these and other reasons have prompted the Board to recommend at Gamboa—

I am still reading from the report—

either an earth dam with a heavy masonry core carried down to bed rock or an all-masonry structure founded at the same depth and upon the same material.

Mr. President, no further description is given, nor is any design submitted for a dam, which is both the most important structure in the canal and one of the largest dams ever proposed. There is nothing said about the design of the controlling sluices or the method by which their discharge is to be conducted into the canal. We also look in vain for designs or descriptions of the four dams and spillway to control the four tributary rivers on the left bank before mentioned. We know of the French surveys that their accuracy is inversely as their distance from the canal, and it may be assumed that these structures, vital to the construction and operation of the canal, are in a region where the maps are largely based on sketch work. No examination for the purpose of locating dams and spillways has ever been made nor any borings for foundations. We are only informed that these dams are to be built, while their dimensions and underlying foundations are unknown. It was impossible, therefore, to make a design or to state whether they were to be of earth or masonry or of a combination of these materials. It can, however, be stated that they are of very considerable dimensions, holding a head of water above sea level of probably 70 feet, or nearly the same as the Gatun dam, and probably aggregating in length a mile or more. Such an all-pervading lack of study and exact information does not inspire much confidence in the practicability of the plan, and still less in the estimates.

Still more unfortunate is the absence of design in the proposition to deal with the other tributary streams, both in their treatment during construction and in their final introduction into the prism of the canal. Of these streams there are fifteen or twenty of sufficient importance to require costly work of great stability, as many of them descend from considerable heights in a short distance with a rapid and violent fall.

The discharge of all these streams, and of the Chagres, is,

during construction, to be carried to an outfall through diversion channels on either side of and at considerable height above the canal. These channels will therefore require a capacity, or sectional area and fall, proportioned to the combined discharge at all times of the Chagres and its tributaries below Gamboa if the canal is to be protected during construction from the incursion of these streams, in order that the work may be free from interruptions and damage. It is not apparent in the majority report that adequate provision is made for this.

Concerning the final disposal of these waters we are told in the report—and I quote from that document:

The tributary streams, whose beds at point of junction with the canal are considerably above the prism of the latter, will be discharged over masonry-stepped aprons or through metallic discharge pipes, or these beds will be sloped and lowered so as to prevent objectionable currents at junction points. The means for the accomplishment of these results are such as are in common use on nearly all important canals.

No preference is given to either of these schemes, although the last two seem impracticable, while the first involves construction work of great cost and strength. It must be remembered that the height from which these streams descend ranges up to 150 feet and the flood discharge to 3,000 second-feet. Yet for these important structures, on whose stability and success the uninterrupted operation of the canal depends, no design or description beyond that already quoted is given.

It seems incredible that the sum allowed in the estimate for the sea-level canal for the foregoing work, amounting only to \$3,500,000, viz, the four dams and spillway on the left bank, the temporary works for river control, and the final regulated admission of these waters into the canal prism, is at all adequate.

On the other hand, the minority of the Consulting Board make their presentation of a lock canal with a fullness of description and design that gives a firm basis for conclusions and for estimate. Its detail gives information and inspires confidence.

The Gatun dam with the spillway are carefully worked out, leaving no doubt of what is intended and how it is to be accomplished. The information of location, of foundation, and of method of construction is full and satisfactory. It is so thorough that no further information or explanation is required for the dams forming Lake Sosa, at the Pacific end. A sufficient outline is given of the locks for all necessary information concerning their location, dimensions, arrangement, and stability. Whatever information we may have of the tide lock of the Pacific end of the sea-level canal can only be inferred from the minority report concerning the high-level canal locks.

This marked difference in the fullness of information and detail marks the two reports throughout. The candor of the one inspires a confidence which is missing in the other.

Mr. President, I recapitulate the reasons that have induced me to favor the lock proposition as follows:

First. In view of the fact that the overshadowing engineering problem to be solved in either case is that of control of the flood waters of the Chagres and other streams. I favor the lock type because it affords absolute control of these and involves no uncertain features, no danger of collapse of any part of the work or works embraced in the proposition, and avoids all deposits of silt, rock, timber, or other obstructions in or near the navigable channel, which, on the other hand, in the case of currents and obstructions are unavoidable in the sea-level type.

Second. Because of the marked superiority of width of channels and depth of water of the lock type, as compared with the sea-level. The longitudinal currents are not to be avoided in the sea-level plan, and the cross currents made by many small streams which must be brought directly into the navigable prism of the sea-level canal, the fall of which varies from 10 to 160 feet, would endanger ships navigating the sea-level canal under their own steam, owing to the great amount of curvature and narrow channel.

Third. Because it will be an impossibility, in case the necessity arises during the transit of war vessels, to turn such vessels in a sea-level canal in case of a change of orders requiring a different movement of the ships, whereas in a lock-level canal such turning could be accomplished in over two-thirds of the length of the canal, and because the speed of all ships in a sea-level canal of 200 feet or 100 feet, or 50 feet, as it is for a great portion of the distance, necessarily would be the speed of the slowest ship making the transit.

Fourth. Because I am not impressed by the alleged danger to locks or ships in passing ships through the locks in flights, and think it largely imaginary. Ships would not be handled by their own power or crews, but they would be handled by lock crews especially trained to the business, and would be easily handled by stationary power, which would entirely obviate the

danger from the transmission of wrong signals and wrong movements.

Fifth. Because it is amply proven by a great number of borings, 110 in all, which have been made on the exact site of the proposed Gatun locks, many of them to a depth of 60 feet below sea level, that the material afforded for the foundation of these locks is rock, and not only can these locks be constructed with the dimensions proposed, namely, 95 feet wide and 900 feet in length, but it is possible to construct locks fully 250 feet longer than the dimensions called for above, with a corresponding increase in width if necessary; that these borings have proven beyond question that there is ample room for three additional locks in duplicate, and also for an additional similar installation of locks alongside, in case they will ever be required.

Sixth. Because there are no problems connected with the lock type which have not been fully and thoroughly considered and the details worked out, and that such is not the case with the sea-level type; that many of the most important propositions connected with the sea-level type have been guessed at, as, for instance, the plans for the Gamboa dam, the location, the foundations, the character of the four dams to impound the waters of other streams, some of them approaching almost in size and importance the Gatun dam as proposed in the lock type, and no intelligent plan has been even suggested for taking care of the small streams, which it is proposed to divert directly into the narrow channel of the sea-level canal.

Seventh. Because the consideration of time and cost are much greater in the sea-level than in the lock type.

The depth to which excavation must be made for the sea-level type opens up many dangers of great difficulties from unknown geological faults, possibly involving serious complications in expensive material to be removed, and also a great amount of excavation to be removed below sea-level in case of the sea-level type, for which no competent engineering authority has been or is able to fix an intelligent estimate of cost. On the other hand, the excavation of Culebra cut is not carried to a depth in the lock type sufficient to justify any belief that more than ordinary construction contingencies will be encountered.

Eighth. Because I do not believe that any intelligent criticism can justly be directed against either type, as regarding the results from earthquake shocks. The Gamboa dam, the tidal lock at Sosa, the very high excavation through the summit of Culebra cut, in the sea-level type, are equally vulnerable with the Gatun and Sosa locks, and vastly more so than the immense earthen dam proposed at Gatun, in the lock type. I believe that in the case of either type the damage from earthquake shocks is a purely negligible quantity. It does not seem to me, Mr. President, that we should be shaken in our understanding or unduly alarmed because of the recent disaster at San Francisco, because it appears to me the two things that were absolutely proven by that catastrophe were, first, that it did not occur at Panama, and, second, that earthen dams were not affected by the vibration of the earth at San Francisco.

Ninth. Because the lock type of canal can, if the necessity ever arises, be transformed into a true sea-level canal, one of from five to six hundred feet in width, and 50 feet or more in depth of water. The lock type, if constructed, will handle from 60,000,000 to 70,000,000 tons of freight per annum, or vastly more than will probably ever be reached during the next fifty years, and the amount of water required for this large tonnage can be supplemented to take care of at least 20,000,000 of tons additional per year, at a small cost by the construction of additional water reservoirs.

The difference in cost of construction between the lock type and the sea-level type as proposed, compounded at 2 per cent for a period of fifty years, added to the saving in fifty years in fixed charges, will amount to about \$500,000,000, a sum which will be available at the end of fifty years to transform the lock canal into a true sea-level canal, if the necessity for it exists.

Tenth. Because I believe that owing to the inflowing of silt and other matter into the narrow and depressed channel of the sea-level type it would require the constant maintenance and operation of a number of dredges to keep the channel open for navigation for any class of ships, and, further, that even with this channel open it would be found a practical impossibility to force a ship, say, 800 feet long by 80 feet beam and drawing 35 feet of water through such a channel.

Eleventh. Because I believe the safety of the proposed earthen dam at Gatun can not be intelligently attacked. The 200 feet or more blanket of clay and other similar materials beneath it, the construction which will give a weight of sixty-three times the extreme pressure which can come against it, and the great height—50 feet—to which it is proposed to carry this dam

above the water's surface, renders it absolutely safe from destruction by any known forces of nature; and this point is emphasized by consideration of the proposed method of construction, namely, that this earth is not to be deposited loosely, but to be put in by sluicing with water, which will render the whole structure of the dam almost as solid as sedimentary rock.

Twelfth. And, finally, Mr. President, because a lock canal furnishes better commercial facilities for half the expenditure of time and money.

Mr. KITTREDGE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

DISTRICT STREET RAILWAYS.

The VICE-PRESIDENT. Under the unanimous-consent agreement the Chair lays before the Senate Senate bill 6147.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6147) authorizing changes in certain street-railway tracks within the District of Columbia, and for other purposes.

Mr. GALLINGER. The Senator from Colorado [Mr. PATTERSON] had the floor, and I presume he desires to continue.

Mr. PATTERSON. Mr. President, the public has always been more deeply interested in matters of taxation than in any other. Taxation has led to more discussion, more trouble, and greater dissatisfaction than almost any other subject connected with public administration. There is one thing the public usually insists upon, and that is equality in taxation; and it should be the first aim of legislative bodies, when taxation is found to be unequal, to change the inequality and make it just and fair for all.

There is no question but that the taxes levied on and paid by the public utility corporations of Washington are wholly insufficient compared with the value of their holdings, and measured by the taxes that are assessed upon the property of individuals and other corporations the tax is wholly unequal and falls far below the rates which all the rest are compelled to pay.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. PATTERSON. Certainly.

Mr. GALLINGER. The taxes paid by the street railways in this District are 5.54 on the gross earnings. If 12 per cent on their net earnings were added, they would be paying 12.57 on their gross receipts. The State of Colorado pays 2.42.

Mr. HANSBROUGH. Will the Senator allow me just a word?

Mr. PATTERSON. Certainly.

Mr. HANSBROUGH. I wish to say that the street railway companies charge up a great many things to taxes in this District that do not belong to taxes. I have the exact figures of the taxes that they pay over signatures of the tax collector and the assessor. The amount of taxes they pay is 4.5.

Mr. GALLINGER. I simply beg to say that the Senator is wrong; that is all.

Mr. PATTERSON. Mr. President, the best answer to any criticism made upon the amendment of the Senator from North Dakota is the amendment itself. The provisions of the amendment are so inherently just that it is difficult to understand how an objection can be made to them. It is true it mentions 12 per cent of the net proceeds of these corporations, but there is contained in the amendment a substitute for that, that if these corporations are disinclined to pay the tax upon net receipts they may be relieved from paying that as well as the percentage they already pay upon gross receipts by paying one and one-half per cent upon the appraised value of their property, as do other property holders in the District.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. PATTERSON. Certainly.

Mr. GALLINGER. More than one-half of the street railways in the District of Columbia are not earning a dollar profit; in fact, they are not paying their operating expenses. Does the Senator think that they ought to be burdened very much in addition to what they are now paying in taxes?

Mr. HANSBROUGH. They would not pay any additional tax in that case.

Mr. PATTERSON. The Senator from New Hampshire is presenting obstacles that do not exist, and is raising objections that are not justified. When a citizen is taxed upon his personal property and real estate, the taxing power does not inquire whether his business is good or bad, or whether he is solvent or insolvent. The value of his property is determined, and the assessment is made upon the basis of that valuation.

I understand that the assessment is 1½ per cent on all personal property in the District. What the per cent is on real estate I do not know.

Now, Mr. President, if the property of all others in the District is taxed upon the same uniform basis, is it aught but fair to all other taxpayers that the property of the utility corporations, consisting of tracks, cars, buildings, machinery, and franchises, shall be appraised by the same body that values all other property for taxation, and that upon that valuation a levy of 1½ per cent shall be made? What would that be, Mr. President, but taxing the utility corporations of the District precisely as the individual is taxed upon his property and as other corporations are taxed upon theirs?

When an amendment is offered that proposes a special tax and, in addition, proposes that if the bodies to be taxed prefer, in lieu of the special tax, they may pay the tax that owners of other property in the District are required to pay, the proposition can not be out of time. There is not a single element of justice that is lacking in the proposition, and to refuse to accept it seems to me to be willing to wantonly perpetuate a wrong upon the great body of the tax-paying community.

Mr. President, I haven't the slightest idea that this amendment will be adopted. The alacrity with which the bill reported by the Senator from North Dakota the other day was recommitted to the Committee on the District of Columbia, and the decided vote by which it was recommitted, prove that this body is unwilling at this time to place any additional tax upon the corporations, however just it may be.

I have no objection to the bill that is reported from the District Committee being passed, because by the system under which these utilities are operated it is quite necessary that it should be passed, for the traveling public will be afforded no other facilities of travel to and from the new depot when it shall be completed.

But, Mr. President, there never will be any change in the system until the matter of the taxation of public utilities is discussed more generally and earnestly than it has been heretofore, and until more correct information is disseminated, and the bodies that have such matters committed to them shall have a better understanding of the true principle upon which the taxation of public-utility corporations rests.

I also believe, Mr. President, that the mere matter of taxation will never bring the reform that is inseparably associated with the true relation of these public utilities to municipal governments. It is almost impossible that taxation should be fair and just as applicable to them, because the property they own, the franchises they secure, the monopoly that is inherent in their business, place their assets, tangible and intangible, upon a basis quite different from that upon which other property rests.

It is largely for that reason that another system of dealing with these utilities has taken root not only in this country, but in foreign countries. Instead of turning the ownership and management of these public utilities over to private corporations, the municipalities themselves are undertaking their operation. It is only by municipal ownership and operation that the city populations can secure from them all the benefits the public is entitled to have.

Mr. President, Washington, above every other city in the country, should own its own utilities. Washington should own its street railways and its lighting plants. It does, I understand, own its own water supply. Many other cities are not quite so favorably situated as Washington in that regard, because a number as yet do not even own their own water supply. But quite a large number of cities have wholly freed themselves from the trammels of all these private corporations, now owning and operating their own water, light, and street transportation systems.

The great social and political problem in the United States to-day is that of city government. The concentration of great masses of people in the towns and cities, the problems that these people are engaged in solving, the necessity for the utmost economy that the mass may be able to live in any degree of comfort, the necessity for the increase of compensation for labor, for the lessening of the tax burden, for the betterment of all public facilities in city life is growing stronger every day, and all over the country more attention is now being given to problems of this character than has ever been given before.

We see the politics of New York revolutionized at an election held within a year through the interest in municipal ownership. We see the issue distinctly made in Chicago and the municipal-ownership proposition prevailing by a decided majority. We notice cities that were Democratic and cities that have been Republican, in Ohio and other States, now governed by practically nonpartisan administrations by reason of the deep hold municipal ownership has taken on the minds of voters.

The fact that municipal ownership sentiment is spreading so rapidly, its growth is so phenomenal, with no backward step noted in any direction, with the reform advancing, growing in might and power, should be sufficient to induce the Committee on the District of Columbia to calmly and deliberately take up the matter for consideration and to determine whether the capital of the nation shall not be made the very leader among cities in adopting and advancing the reform.

Mr. President, those who have studied city life and the influences that operate in municipalities for good or evil do not hesitate to declare that public-utility corporations are the source of greater corruption in city life than any other element. And why? The owners of these utilities are, as a rule, men of the largest wealth. They are men of the widest social influence. By reason of their wealth and social standing they are sought out for their influence and feared for their power. These men, in their desire to secure these great franchises for the corporations they control, do not hesitate to corrupt the electorate of cities by whatever means may be necessary.

Show me a city of a quarter million people or of a hundred thousand with street railways, water, and light plants owned by private corporations and I will show you cities in which these corporations unqualifiedly control the politics. They control nominating conventions and dictate the nominees for the parties, and they spend their money lavishly to secure the election of the men whom they regard as most devoted to their service; and I will also show you cities in which these municipal corporations control the councils and rule their mayors, and obtain control of them either at the election or by purchase afterwards; all to the end of acquiring and holding the franchises for these utilities. Their aim is also to escape their proper share of taxation and to secure renewal of franchises when they are about to expire.

It is idle, Mr. President, for any political party in a State dominated by the utility and other corporations to struggle for honest conventions or honest elections; and honest city administrations are an impossibility. The vast wealth of the men who control these utilities, their social standing, the extremes to which they go to maintain their supremacy in city affairs, override and overawe all combinations that attempt to combat them. One of the great troubles is that only men outside of their class—only the poorer, the weaker, and the less influential of the public—are, as a rule, willing to come out into the open to join issue with these corporations.

[At this point Mr. PATTERSON was interrupted by the expiration of the morning hour, and he resumed and concluded his speech later in the day.]

Mr. PATTERSON. Mr. President, when I was interrupted with the unfinished business, I was talking about the evil influences of these utility corporations upon city life; their control for evil of the politics of the cities; their control of elections, of city councils, of police forces, of boards of public works. Wherever these corporations are they dominate political conventions, nominate tickets, elect candidates, and control city councils, and the people of the cities seem powerless to combat them.

Municipal ownership of these utilities means a change in the conditions to which I have called attention. I suggested the wealth, the social influence, and power of the men who, as a rule, control these corporations, and that their influences are for evil by reason of their selfish interests and the great value of the franchises they hold and the control of which they are always struggling to retain. Municipal ownership will change these men into instruments for good instead of for evil.

City ownership of street railways and great water and light plants involves city management of properties of such vast value that all, rich and poor, are interested in their good management—they become interested in cheap water rates, cheap light rates, and cheap street transportation, and for these reasons all tax-paying citizens desire honest, good, and efficient government. So we would have the controlling influence in our great cities lined up upon the side of economy, honesty, and justice, instead of combatting these conditions.

But the change, Mr. President, will not only give us better city life in most of its phases, it will also give to the public cheaper light and water and street transportation. These are all in the nature of taxes, of fixed charges upon everybody who lives within a city. The owner of a home must not only confront interest upon his investment and taxes for the maintenance of city government, but he must take into consideration the cost of water, of light, and of street-car service; and these charges are as much fixed on the home owner in a city as are the taxes that he pays into the city treasury. If by municipal ownership these charges can be reduced and better and more efficient service be secured, the palpable wisdom of municipal ownership reform stands out too prominently to be ignored.

Mr. President, this reform has gotten very considerable headway in Great Britain. It has been worked out there much more largely than here. The Secretary of Commerce and Labor, recognizing this fact, sent a commissioner over to Great Britain to examine into the problem and to report the result of his investigation. I have here in a volume issued only last January from the Department of Commerce and Labor the result of as well as most of the details of the investigation that was made by the commissioner.

The claim is set up by a great many that municipal ownership is a socialistic idea or development. Such, Mr. President, is not the case, and it was not found to be the case by our commissioner when he went abroad. I would call the attention of the Senate to something upon that subject at the very opening of this report. The commissioner shows most conclusively that municipal ownership came from the commercial, the manufacturing, and the taxpaying classes of Great Britain generally, rather than from any phase of the socialistic cult. Upon this subject he says:

In its beginnings municipal ownership was not socialistic; it was not even an outgrowth of the labor movement; it came rather from the mercantile or commercial classes. The councils of several boroughs, notably West Ham and Battersea, are controlled by labor representatives, but the larger cities and county boroughs are in the hands of business men, who, with the more public-spirited of the leisure class, make up the personnel of municipal administration.

Again, he says:

In its present stage of development municipal ownership is inspired by no ideal of a changed social order, and the movement is likely to continue to be one for improved service, for business thrift, for the relief of the taxpayer from the burdens of taxation, and for increased revenue for the community.

Then referring to the motives which led to the efforts for municipal ownership, the commissioner, Professor Howe, says:

These facts—

Facts that he referred to in previous paragraphs of his report—

These facts explain in a measure why municipal ownership has proceeded with so much rapidity within recent years. Other causes are also operative on public opinion. The general reasons assigned in Great Britain for this growth may be classed under four heads, as follows:

First. A desire for better and more efficient service. It was felt that private ownership, interested, as it was, only in dividends, could not be relied upon to operate enterprises so as to produce the largest social results. With this was the belief that under public ownership rates and charges could be reduced to the consumer and that the earnings could be used for the betterment of the service or the lowering of its cost.

I will read now, because I do not desire to quote too extensively from the report, a summing up of his investigations. He recites that—

The literature of municipal ownership is found in municipal reports, in parliamentary returns, and the daily press. The justification of the extension of municipal activities, as set forth by its advocates in these writings, as well as in the comments of officials and the people, may be summarized under six general heads, as follows:

First. That municipal ownership stimulates public spirit, promotes good citizenship, and arouses a sense of local patriotism growing out of the services which the city extends to the citizen.

Second. That public operation is alone consistent with the best interests of the community. It permits city administration to be coordinated, and the service of the tramways, electricity, gas, and water undertakings to be made to serve one another and the community.

Third. That public ownership has greatly cheapened the cost of service, whether in water, gas, electricity, or transportation. The same is true of telephones.

Fourth. That municipal ownership has proved a financial success; already in many cities it has out of its earnings paid off a part of its indebtedness, and in many instances contributed to the reduction of the local taxes.

Fifth. That municipal ownership has improved the condition of labor by increasing wages, shortening hours, and establishing cordial relations between the public and its servants.

Sixth. That in addition to this, public operation is subject to public opinion; that every voter is a critic and can make his influence felt upon service and conditions; that this makes the industry responsive to the needs of the community in a way that is never true of private operation.

Then, speaking more directly on street railways, he says:

The tramways, coming in close and intimate touch with the people, stimulate an interest in the city that is almost universal. The change from private to public operation has apparently always been followed by a marked increase in their use by the community. The most aggressive, the most active, and the best-governed cities from the point of view of the average Englishman are the cities that have gone in for municipal ownership. Glasgow, Liverpool, Manchester, Sheffield, Bradford, Leeds, and Birmingham are examples. The London county council also has been most aggressive in the enlargement of its functions and activities.

I will conclude quotations from this report by the author's statement of the benefits the change from private to public ownership wrought. He says:

An examination of the water, gas, tramway, electricity, and telephone undertakings, in so far as the latter have been municipalized,

shows that the change from private to public operation has resulted in—

1. Marked reduction in rates and charges to consumers.
2. Greater economy in operation through lower interest charges, and great extension of use.
3. In many instances a considerable relief to the burden of taxation.
4. A coordinated municipal policy by which the city and its undertakings are made to work together and with one another. This is true as to health and cleanliness, in policing and lighting, in the administration of the streets and public places, in the unification of all departments working through the common body—the town council. Friction is eliminated, and one department is made to serve another and the public.

Passing over others—

7. The condition of the employees has been greatly improved. Thousands of men have been raised to a fair wage, and relieved from the fear of capricious dismissal. Their service has been dignified, and their standard of living improved, not only by better wages, but by shorter hours.

Mr. President, if such are the results of municipal ownership in Great Britain—if the cost for street-car service has been lessened, if the wages of the employees have been increased and their hours of labor have decreased, if it has banished to a very large extent corruption from the government of English cities—I may ask is it any wonder that the example is being followed by American cities and that the movement for municipalization of the utilities has taken such mighty strides?

Mr. President, municipal ownership of public utilities does not in any sense mean city ownership or management of any other industry or business. It only includes such public service as in their very nature are monopolies; service that can not be exercised without public grants of privileges or franchises, and service that supplies the people with things that have become necessities of life. Water is a necessary of life; light has become one of the great necessities of life and adds inconceivably to its comfort. Street transportation has become as much a necessity in city life as has light and heat. Through the extension of lines of street railways, city boundaries have been enlarged; the congestion of human life in city centers has been dissipated; life has been made more comfortable and beautiful. You may select at random ninety persons out of every hundred and you will find that those ninety people are compelled to use street transportation as a necessity of their daily business and existence.

These businesses can not be conducted except by special grants from the municipality, and these special grants of franchises are of immense value, and when they are owned by private corporations they are used so as to earn the greatest profit for the corporation and give the poorest service to the public that will be submitted to. But should the cities own and operate them, they would be operated for the benefit of all, without reference to profits for private companies. Then why should not Washington lead in such a reform? Washington could manage these utilities to much greater advantage than could any other American city. It would have fewer obstacles to overcome. Its government is altogether in the hands of Congress. I am glad that in Washington private corporations, from the very nature of the District government, can not exercise the same evil influences which they do in the government of other cities. The standard of government in Washington is created by the President and approved by the Senate; for the President appoints its Commissioners and the Senate approves them. The Board of Commissioners of Washington stand in lieu of the mayor and the common council in other cities; the President and the Senate stand in lieu of the voter; and for these reasons alone, the government of Washington can the more readily and with the fewer obstacles secure the reforms that municipal ownership brings.

Mr. President, what do we find in the British cities that have adopted municipal ownership? The Senator from New Hampshire spoke about the street railways of Washington selling six tickets for a quarter. The average fare in Great Britain, where street railways are municipalized, is a fraction less than 2 cents. Compare a 2-cent fare in British cities with a 4-cent fare in Washington, and it means that transportation to every family in the cities of Great Britain costs but one-half what American families must pay in Washington, and it costs less than one-half of what fares cost the people of cities where the fare is 5 cents straight.

In addition, Mr. President, the statistics show that where the 2-cent fare prevails the profits to the companies amount to very nearly one-half of the gross receipts; and it is only when you study the statistics that are contained in the report made by Professor Howe that you can comprehend the immense profits that are associated with the operation of these public utilities by private corporations. You can then understand how

it is that the street railways of Washington pay their interest upon \$17,000,000 worth of bonds, or thereabouts, and how they pay heavy dividends upon their immense capitalization, and how their stock sells upon the market at something in the neighborhood of 50 per cent above par.

The bonded indebtedness of these companies represents the full amount of their entire investment.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. PATTERSON. With pleasure.

Mr. GALLINGER. Is the Senator aware of the fact that there are \$9,000,000 of bonds out on these street railways which are selling at 89 on the market to-day?

Mr. PATTERSON. No.

Mr. GALLINGER. There are \$9,000,000 of those 4 per cent bonds; and if the Senator will go to the evening paper he will find they are quoted at either 88 or 89, and the Senator can buy them all at that price.

Mr. PATTERSON. I am not aware, Mr. President, of what the bonds of all of these street railway companies may be selling for. I do know that by market quotations the stocks of some of them are selling at about 50 per cent above par, and I know that such would not be the case if the interest upon the bonds was not regularly paid, and if large dividends, after paying all the interest, were not assured to the investors.

Mr. GALLINGER. Mr. President, a very considerable part of the common stock of the street railways of Washington can be bought at 40, and those street railways have never paid a dividend from the time they were built to the present.

Mr. PATTERSON. Mr. President—

Mr. HANSBROUGH. Will the Senator from Colorado yield to me?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. PATTERSON. With pleasure.

Mr. HANSBROUGH. The statement made by the Senator from New Hampshire [Mr. GALLINGER] in regard to these stocks, dividends, etc., applies to a few small roads that are controlled by what is known as the Washington Railway and Electric system.

Mr. GALLINGER. It applies to the consolidated roads, I will say to the Senator.

Mr. HANSBROUGH. The Washington Railway and Electric Company owns all the roads to which I have referred. There are five street railways in operation controlled by the Washington Railway and Electric Company, which is a paying institution; but the other four are not.

Now, as to the Capital Traction Company—

Mr. GALLINGER. But, if the Senator from Colorado will permit me—

Mr. PATTERSON. Certainly.

Mr. GALLINGER. The common stock of that consolidated road, which is known as the "Washington Railway and Electric Company," can be bought at 40. It has never paid a dividend.

Mr. PATTERSON. Yes; but the Senator should add to that, that the preferred stock of that company is selling for about 90, and is paying 5 per cent.

Mr. GALLINGER. It is indeed; and it would be a very remarkable circumstance if the preferred stock did not sell at a hundred when the company was paying a dividend.

Mr. HANSBROUGH. In addition to that, I want to say, if the Senator from Colorado will allow me—

Mr. PATTERSON. With pleasure.

Mr. HANSBROUGH. That the stock of the Capital Traction Company is selling for about 140, and has sold, I believe, as high as 150, its par value being 100. I think that company pays 5 per cent regularly. I am not sure but that it pays 6 per cent. It pays 5 per cent anyway.

Mr. PATTERSON. I notice that the stock of the latter company, mentioned by the Senator from North Dakota, was quoted within the last few weeks at 146 and a fraction. I can well understand how, by a consolidation of a splendidly paying line of road with a number of outlying ill-paying ones, that the stock of such a combination might be low upon the market, while its bonds would be gilt edged, and the future would insure a very heavy return upon every dollar put into them.

The Senator from New Hampshire must always bear in mind, when he is quoting the stocks and bonds of these utility corporations, that the bonds usually represent the amount that is invested in the physical property and the stock represents simply the franchise; and when the bonds are at par and the stock selling at 50 cents on the dollar, it means that the stock at 50 cents is velvet in the enterprise, and it does not indicate in any

degree that there is not a splendid profit being returned to those who happen to own them.

The benefits, Mr. President, from this class of property are that as soon as the franchise in a reasonably large and thrifty city is granted, the grantee may, as a rule, upon the security of the franchise alone, borrow money enough to construct the lines of railway and put them in operation. The bonds they issue are paid out of the profits of the roads, and when the bonds are paid the owners possess great lines of street railway that did not cost them a dollar. The money that was borrowed upon the franchise constructed the road; the bonds were paid off out of the profits, and the owners have remaining all the visible property, the lines with the franchise, which stand the original promoters practically nothing.

Those profits, Mr. President, should belong to the cities themselves. If the city were to own the lines of street railway in Washington, there would be no necessity to pay out to the stockholders a quarter or a half million dollars as dividends each year. The money that would go to the stockholders would go into the city treasury to pay the expenses of the city government. The street railways, as well as the gas and electric lighting companies, would all be run for the benefit of the people, the profits going to the people either in cheaper service or directly into the treasury, thereby lessening the tax burden, while the people would have a vastly improved service.

Mr. President, if we can not have municipal ownership in Washington at this time—and I am frank to admit that information on the subject is not sufficiently diffused to expect it now—then the District should at least have the corporations owning these utilities taxed to the same degree that the people themselves are. I can not understand how, when a Senator proposes a reform that will compel these corporations to pay only the amount of taxes paid by all other citizens upon their property in the District, anyone can be found with nerve enough to object. The proposition is one that does not need any very long time for investigation. To state the proposition is to establish the justice of it; and what is it? Either that these utility corporations shall pay an additional 12 per cent upon their net receipts—and, of course, if there are no net receipts, there will be no additional taxes—or if the companies regard the percentage of net receipts as burdensome, then to have their property appraised and pay upon its appraised value the same rate that every private citizen is required to pay to carry on the government of the District.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. PATTERSON. Certainly.

Mr. GALLINGER. The Senator's argument interests me. The Senator is a very influential man in his home city. He owns one or two great newspapers. Has the Senator advocated the adoption in Denver of this system of taxation which he suggests?

Mr. PATTERSON. Indeed I have. I have been advocating municipal ownership for many years.

Mr. GALLINGER. Municipal ownership—I understand that; but the people of Denver do not agree with the Senator on that proposition. But as to this system of taxation the Senator is so eloquent over, the fact is that the public-utility corporations of Denver pay only about one-half in taxes what similar corporations pay in the city of Washington. Why does not charity begin at home?

Mr. PATTERSON. Mr. President, I have been, in my weak way and with whatever instrumentalities I possess for molding public opinion in Colorado, engaged now ever since 1895—a period of more than ten years—attempting to induce the city of Denver to adopt the very system that I am advocating here. The reason we have failed, Mr. President, is because the utility corporations of Denver are so powerful that the people have been powerless against them.

Mr. President, the utility corporations of Denver hold the executive committees of both political organizations in a grip of iron. The Republican executive committee is but a pliant tool of those corporations, and the Democratic executive committee of Denver is even more pliant, if that were possible. The recent election in Denver, upon the one side the two old party political organizations, with five or six corporations aligned with them, endeavoring to secure as many franchises as possible from Denver at the election, and upon the other side the people of Denver—and with what result, Mr. President?

The Senator from New Hampshire says that we failed in the last election. Well, Mr. President, in four weeks we organized a people's movement under the head of municipal ownership; the ticket it put up was defeated by but about 1,000 votes. Three of the franchises were defeated, and the two greatest

were carried apparently, but by such narrow majorities that contests have been inaugurated against them. Within less than a week after the election we unearthed the issuance of more than 1,000 fraudulent tax receipts, with which tax-paying voters were manufactured. They were given to those who did not own a dollar's worth of property that they might qualify to vote for these franchises.

Nay, more, Mr. President, we found a judge brave and independent enough to call a grand jury. Realizing that the sheriff, the district attorney, and others of the officials of the city were wholly under the control of these utility corporations, the district judge set them aside. From that action an appeal was taken, and pending the decision of the supreme court the investigation of the grand jury is suspended.

Mr. President, it is by reason of experiences such as these, realizing that party organizations are as a rule, where these public-utility corporations are in the saddle, mere shams, that there can be no such thing as an honest political fight and no fair show for the people, that I here and elsewhere, wherever the occasion may arise, do what I can to change the iniquitous private-ownership system.

Mr. President, as I have suggested, if we can not now have municipal ownership in Washington, if Congress is not ready for it, there should at least be fair and equal taxation of their property; and I ask the Senator from New Hampshire whether the proposition to require these corporations to be assessed 14 per cent upon the valuation of their property is or is not just?

Mr. GALLINGER. Mr. President, I will answer the Senator by saying that I do not know whether it is or not. That is a matter that would need investigation, and that I have not made.

Mr. PATTERSON. Let me ask the Senator another question.

Mr. GALLINGER. I want to answer the first one. I think if a street railway company is bankrupt it ought not to be taxed as a profitable, well-paying corporation is taxed. In my State we exempt from taxation many corporations, and we think it good public policy.

Mr. PATTERSON. Let me ask the Senator this question: The assessed valuation of any corporation's property should depend, as a rule, should it not, upon its real value?

Mr. GALLINGER. It will depend somewhat on that; yes.

Mr. PATTERSON. Very well. If the street-railway property is assessed at its real value, what has that got to do with the insolvency of the corporation? If the street railways are assessed at the real value of their property they will be required to pay only that which every other taxpayer must pay upon the assessed value of his property. Why is not that just? I want to ask the Senator when the District assessor assesses the value of a lot and building, does he inquire as to the solvency or the insolvency of the owner?

Mr. GALLINGER. The Senator has entered upon a novel theory. There is not a city on earth that taxes its corporations upon the basis the Senator suggests. I say to the Senator that it is a matter which ought to be investigated. I do not know but that it might be good policy; but it is an untried scheme, and the Senator will not get me to commit myself either one way or the other on the proposition he has presented until I have looked into it.

Mr. PATTERSON. The Supreme Court of the United States has decided time and time again that franchises, rights, and privileges are as much property as the cars that run upon the rails; that their value may be determined by the taxing power, and that it is the duty of the Government to assess such franchises and privileges at their value as is other property.

Mr. GALLINGER. I am trying not to give the Senator a new text, because I hope to get a vote on this bill to-night; but I will suggest to the Senator that if we adopt a system of taxation in lieu of that method, as we have done in Washington and in every other city in the country, then his citations do not apply to this case.

Mr. PATTERSON. I will not longer take up the time of the Senate, Mr. President. I simply want to reasstate that the proposition contained in the amendment of the Senator from North Dakota is so fair, so just, and is so free from criticism that no person, in my opinion, should object to it. The proposition in the amendment now discussed is one that requires no investigation. I do not understand what halo surrounds a public-utility corporation to place it in a different class in the matter of taxation from any other corporation.

The taxation of private-utility corporations does not, however, meet the evil. I advocate the municipalizing of all utilities and the operation of them for the benefit of all the public and not for the benefit of private stockholders. Through city ownership we will have a better city life, a purer electorate,

cheaper water, light, and street transportation, and, at the same time, the public will have the direct benefit of the large profits that are now distributed among the stockholders of these utility companies.

Mr. HANSBROUGH. Mr. President, I have a tabulated

statement on this subject that I think would be quite interesting if Senators had an opportunity to examine it. I ask that it may be inserted in the Record.

The VICE-PRESIDENT. Without objection, it is so ordered. The table referred to is as follows:

Company.	Gross receipts.	Tax last year.	Per cent of tax on gross receipts.	Net earnings.	Tax under proposed law.	Total tax under proposed law.	Per cent of tax on gross receipts under proposed law.	Funded indebtedness.
Capital Traction Co.	\$1,500,956.59	\$68,552.06	4.5	\$980,244.23	\$117,629.31	\$186,181.37	12.4	\$1,080,000.00
Washington Rwy. and Electric Co. and controlled lines.	1,810,744.33	81,944.99	4.5	976,863.59	117,223.62	199,168.61	10.9	17,364,100.00
Total	3,311,700.92	150,497.05		1,957,107.82	234,852.93	385,349.98		18,444,100.00
Washington Rwy. and Electric Co.	1,133,439.17	52,416.21	4.6	683,311.21	81,997.35	134,413.56	11.9	12,647,100.00

Company.	Capitalization.	Dividends.	Interest on funded debt.	Total interest and dividend.	Funded debt and capitalization.	Rate of tax under proposed law on two-thirds bonds and stocks.	Amount that would accrue under 1½ per cent rate.
Capital Traction Co.	\$12,000,000.00	\$720,000.00	\$43,200.00	\$763,200.00	\$13,080,000.00	Per cent. 2.1	\$130,000.00
Washington Rwy. and Electric Co. and controlled lines.	19,044,990.00	425,000.00	868,205.00	1,293,205.00	33,403,090.00	.8	364,090.80
Total	31,044,990.00	1,145,000.00	911,405.00	2,056,405.00	49,483,090.00	1.1	494,890.80
Washington Rwy. and Electric Co.	15,000,000.00	425,000.00	632,355.09	1,057,355.09	27,647,100.00	.7	276,471.00

^a Average.

Mr. HANSBROUGH. Mr. President, I should also be glad if the Senator from New Hampshire would withdraw his motion to lay the amendment on the table, so that the Senate may vote directly on the question whether they want the street railway companies in the District of Columbia, that can afford to pay something approaching the tax paid by private citizens, to be given an opportunity to do that. I should like to have a vote taken directly on the amendment, if the Senator will withdraw his motion, and I will agree not to say anything further on the subject.

Mr. GALLINGER. Is the Senator ready to take a vote now?

Mr. HANSBROUGH. I am ready to take a vote now.

Mr. GALLINGER. Then I withdraw my motion to lay the amendment on the table.

Mr. HANSBROUGH. I understand the yeas and nays were ordered on the amendment.

The VICE-PRESIDENT. The yeas and nays were ordered on the amendment proposed by the Senator from North Dakota. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. As he is not present, I withhold my vote.

Mr. SCOTT (when his name was called). I have a general pair with the junior Senator from Florida [Mr. TALIAFERRO]. I do not see him in the Chamber. If he were present, I should vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP], who is out of the Chamber.

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. I do not see him in the Chamber, and therefore withhold my vote.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. I do not see him in the Chamber, and therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the Senator from Mississippi [Mr. MONEY], and therefore withhold my vote.

The roll call was concluded.

Mr. BAILEY. I announce my pair with the Senator from West Virginia [Mr. ELKINS]. As I do not know how he would vote if he were present, I withhold my vote.

The result was announced—yeas 13, nays 21, as follows:

YEAS—13.

Benson	Daniel	La Follette	Patterson
Berry	Dolliver	McCumber	
Burkett	Fulton	Nelson	
Carter	Hansbrough	Overman	

NAYS—21.

Aldrich	Clay	Hemenway	Perkins
Allee	Dick	Kean	Piles
Blackburn	Foraker	Lodge	Wetmore
Brandegee	Foster	Long	
Bulkeley	Gallinger	Martin	
Burnham	Hale	Millard	

NOT VOTING—55.

Alger	Cullom	Knox	Rayner
Allison	Depew	Latimer	Scott
Ankeny	Dillingham	McCreary	Simmons
Bacon	Dryden	McEnery	Smoot
Bailey	Dubois	McLaurin	Spooner
Beveridge	Elkins	Mallory	Stone
Burrows	Flint	Money	Sutherland
Carmack	Frazier	Morgan	Taliaferro
Clapp	Frye	Newlands	Teller
Clark, Mont.	Gamble	Nixon	Tillman
Clark, Wyo.	Gearin	Penrose	Warner
Clarke, Ark.	Heyburn	Pettus	Warren
Crane	Hopkins	Platt	Whyte
Culberson	Kittredge	Proctor	

The VICE-PRESIDENT. A quorum has not voted. The Secretary will call the roll.

Mr. SCOTT. In order to make a quorum, I shall take the liberty of voting in the absence of my pair.

The VICE-PRESIDENT. It is too late. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Carter	Kean	Perkins
Allee	Clay	La Follette	Piles
Bailey	Cullom	Lodge	Scott
Benson	Daniel	Long	Simmons
Berry	Dick	McCumber	Stone
Blackburn	Foraker	Mallory	Tillman
Brandegee	Foster	Martin	Warren
Bulkeley	Fulton	Millard	Wetmore
Burkett	Gallinger	Nelson	
Burnham	Hansbrough	Overman	
Burrows	Hemenway	Patterson	

The VICE-PRESIDENT. Forty-one Senators have answered to their names. A quorum is not present.

Mr. HALE entered the Chamber and answered to his name.

Mr. ALDRICH. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

Mr. SMOOT entered the Chamber and answered to his name.

Mr. GALLINGER. Would it be in order to ask for a call of the absentees?

The VICE-PRESIDENT. It is in order.

Mr. GALLINGER. I should like to have that done.

The VICE-PRESIDENT. The Secretary will call the names of the absentees.

The Secretary proceeded to call the names of absent Senators.

Mr. CLAY (when Mr. BACON's name was called). My colleague [Mr. BACON] has necessarily been called to Georgia on account of the recent death of a Member of the House, Mr. Lester, from my State, and he is absent by order of the Senate.

Mr. SCOTT (when Mr. ELKINS's name was called). My colleague [Mr. ELKINS] is unavoidably detained at his home in Elkins.

Mr. PERKINS (when Mr. FLINT's name was called). I will state that my colleague [Mr. FLINT] is quite ill at his home.

Mr. GEARIN and Mr. KITTREDGE answered to their names when called.

Mr. BLACKBURN (when Mr. McCREARY's name was called). My colleague [Mr. McCREARY] is necessarily absent from the city.

Mr. STONE (when Mr. WARNER's name was called). My colleague [Mr. WARNER] is absent by order of the Senate, in attendance at the funeral of the late Representative Lester, of Georgia.

The call of the names of absent Senators was concluded.

Mr. ANKENY entered the Chamber and answered to his name.

Mr. NELSON. My colleague [Mr. CLAPP] is absent by order of the Senate, attending the funeral of the late Congressman Lester.

Mr. KEAN. My colleague [Mr. DRYDEN] is necessarily absent from the city.

Mr. CARTER. I desire to announce that my colleague [Mr. CLARK of Montana] is unavoidably absent.

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum is present. Without objection, further proceedings under the call will be suspended.

Mr. GALLINGER. Let the roll be called on agreeing to the pending amendment.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH].

The Secretary proceeded to call the roll.

Mr. MALLORY (when his name was called). I again announce my pair with the senior Senator from Vermont [Mr. PROCTOR].

Mr. SCOTT (when his name was called). I have a general pair with the junior Senator from Florida [Mr. TALIAFERRO]. Not knowing how he would vote, I, of course, withhold my vote. I should vote "yea" if he were here.

Mr. KEAN. I suggest to the Senator from West Virginia to transfer his pair to the junior Senator from Michigan [Mr. ALGER].

Mr. SCOTT. I will transfer my pair to the junior Senator from Michigan [Mr. ALGER]. I vote "yea."

Mr. SIMMONS (when his name was called). I am paired with the Senator from Minnesota [Mr. CLAPP].

Mr. STONE (when his name was called). I again announce my pair with the senior Senator from Wyoming [Mr. CLARK].

Mr. TILLMAN (when his name was called). I again announce my pair with the Senator from Vermont [Mr. DILLINGHAM].

Mr. WARREN (when his name was called). If agreeable to the Senator from South Carolina [Mr. TILLMAN], we will arrange a transfer of pairs, so that the Senator from Vermont [Mr. DILLINGHAM] will stand paired with the Senator from Mississippi [Mr. MONEY].

Mr. TILLMAN. Very well.

Mr. WARREN. I vote "nay."

The roll call was concluded.

Mr. TILLMAN. I vote "yea."

Mr. LONG. I inquire if the Senator from Idaho [Mr. DUBOIS] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. LONG. I will transfer my pair with the Senator from Idaho to the junior Senator from New Jersey [Mr. DRYDEN], and vote. I vote "nay."

Mr. BAILEY. In order to make a quorum, notwithstanding my pair with the Senator from West Virginia [Mr. ELKINS], I will vote. I vote "yea."

Mr. MALLORY. I understand that one vote is very much needed. I will, therefore, vote. I vote "nay."

Mr. McLAURIN. I desire to state on behalf of my colleague [Mr. MONEY] that he is paired with the Senator from Wyoming [Mr. WARREN]. That pair has, I understand, been transferred to the Senator from Vermont [Mr. DILLINGHAM].

The result was announced—yeas 17, nays 29, as follows:

YEAS—17.

Bailey	Daniel	La Follette	Scott
Benson.	Dolliver	McBarny	Tillman
Berry	Fulton	McLaurin	
Burkett	Gearin	Overman	
Carter	Hansbrough	Patterson	

NAYS—29.

Aldrich	Clay	Kittredge	Perkins
Allee	Cullom	Lodge	Piles
Ankeny	Dick	Long	Smoot
Blackburn	Foraker	Mallory	Warner
Brandeggee	Foster	Martin	Wetmore
Bulkeley	Gallinger	Millard	
Burnham	Hemenway	Nelson	
Burrows	Kean	Penrose	

NOT VOTING—43.

Alger	Depew	Hopkins	Proctor
Allison	Dillingham	Knox	Rayner
Bacon	Dryden	Latimer	Simmons
Beveridge	Dubois	McCreary	Spooner
Carmack	Elkins	McCumber	Stone
Clapp	Flint	Money	Sutherland
Clark, Mont.	Frazier	Morgan	Taliaferro
Clark, Wyo.	Frye	Newlands	Teller
Clarke, Ark.	Gamble	Nixon	Warren
Crane	Hale	Pettus	Whyte.
Culberson	Heyburn	Platt	

So Mr. HANSBROUGH's amendment was rejected.

Mr. GALLINGER. Mr. President, while it is evident that after considerable effort a voting quorum may be obtained, I am quite well satisfied that the pending bill can not be gotten through this evening, and I will venture to ask unanimous consent that it be taken up immediately after the routine morning business to-morrow.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the pending bill be taken up for consideration immediately after the routine business to-morrow. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 20, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 19, 1906.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Herbert H. D. Peirce, of Massachusetts, now Third Assistant Secretary of State, to be envoy extraordinary and minister plenipotentiary of the United States to Norway, to fill an original vacancy.

THIRD ASSISTANT SECRETARY OF STATE.

Huntington Wilson, of Illinois, now secretary of the legation at Tokyo, Japan, to be Third Assistant Secretary of State, vice Herbert H. D. Peirce, nominated to be envoy extraordinary and minister plenipotentiary to Norway.

RECEIVER OF PUBLIC MONEY.

C. Frost Liggett, of Colorado, to be receiver of public moneys at Lamar, Colo., his term having expired February 20, 1906. (Reappointment.)

REGISTER OF LAND OFFICE.

John A. Williams, of Colorado, to be register of the land office at Lamar, Colo., his term having expired March 10, 1906. (Reappointment.)

CONFIRMATION.

Executive nomination confirmed by the Senate June 19, 1906.

POSTMASTER.

SOUTH DAKOTA.

John E. Hipple to be postmaster at Pierre, in the county of Hughes and State of South Dakota.

WITHDRAWAL.

Executive nomination withdrawn June 19, 1906.

Albert W. Brickwood, jr., of Arizona, to be consul of the United States of class 8 at Nogales, Mexico.